





Williams
Rees

ACTS,
RESOLUTIONS AND MEMORIALS,
PASSED AT THE SEVERAL
ANNUAL SESSIONS
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF UTAH.

TO WHICH IS PREFIXED:

THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF THE CONFEDERATION, THE ORDINANCE OF 1787, THE CONSTITUTION OF THE UNITED STATES, AND AMENDMENTS THERE TO, THE NATURALIZATION LAWS, THE CONSTITUTION OF THE PROVISIONAL STATE OF DESERET, THE DESERET LAWS, AND THE ORGANIC ACT OF UTAH.

PUBLISHED BY VIRTUE OF AN ACT APPROVED JAN. 19, 1855.

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ACTS,

RESOLUTIONS AND JUDICIAL

PASSED BY THE GENERAL

ANNUAL SESSIONS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA

IN THE YEAR 1857

Printed by J. G. FLEMING, at the
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THE ACTS OF THE LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF CANADA

IN THE YEAR 1857

1857

DECLARATION OF INDEPENDENCE.

JULY 4TH, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA
IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former system of government. The

history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise—the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States—for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws—giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;
 For imposing taxes on us without our consent;
 For depriving us, in many cases, of the benefits of trial by jury;
 For transporting us beyond seas to be tried for pretended offences;
 For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;
 For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;
 For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members:—

ROBERT MORRIS,	JOHN HANCOCK,
BENJAMIN RUSH,	ELBRIDGE GERRY,
SAMUEL CHASE,	OLIVER WOLCOTT,
CARTER BRAXTON,	JOHN MORTON,
JOSEPH HEWES,	CÆSAR RODNEY,
GEORGE WYTHE,	JOHN PENN,
GEORGE READ,	THOS. M. KEAK,
RICHARD HENRY LEE,	WM. HOOPER,
THOMAS HAYWARD, JUN.	WM. PACA,
THOMAS LYNCH, JUN.	F. LIGHTFOOT LEE,
WM. FLOYD,	ARTHUR MIDDLETON,
ABRAHAM CLARK,	BUTTON GWINNETT,
PHILLIP LIVINGSTON,	LYMAN HALL,
WM. WHIPPLE,	FRANCIS LEWIS,
GEO. WALTON,	SAML. ADAMS,
LEWIS MORRIS,	EDWARD RUTLEDGE,
GEORGE ROSS,	JOHN ADAMS,
ROBERT TREAT PAINE,	B. FRANKLIN,
GEORGE CLYMER,	JAMES SMITH,
JOSIAH BARLETT,	SAML. HUNTINGTON,
WM. WILLIAMS,	MATTHEW THORNTON,
RICHARD STOCKTON,	STEPHEN HOPKINS,
JOHN WITHERSPOON,	FRANCIS HOPKINSON,
WILLIAM ELLERY,	JOHN HART,
ROGER SHERMAN,	JAMES WILSON,
CHARLES CARROLL, of Car-	THOMAS STONE,
rolton;	GEORGE TAYLOR,
THOMAS JEFFERSON,	THOMAS NELSON, JUN.
BENJAMIN HARRISON,	

ARTICLES OF CONFEDERATION.

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE, THE UNDERSIGNED,
DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETING:

Whereas, the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz:—

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I.

The style of this confederacy shall be, “The United States of America.”

ARTICLE II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

The better to secure and perpetuate mutual friendship, and intercourse among the people of the different States in this Union, the

free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress, and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members: and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests

and imprisonments, during the time of their going to, and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

No state, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state: nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state; in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels-of-war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States, in Congress assembled, unless such state be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any state grant commissions to any ships or vessels-of-war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against

the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such state be infested by pirates, in which case vessels-of-war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ARTICLE VII.

When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States, in Congress assembled.

ARTICLE IX.

The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances; provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on

the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures: provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following:—Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to thirteen; and from that number not less than seven or more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive, and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:” provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdiction as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in congress assembled, shall have authority to appoint a committee, to sit in the recess of congress, to be denominated, "a committee of the states," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and

equipped, shall march to the place appointed, and within the time agreed on by the United States, in congress assembled; but if the United States, in congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped, in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest

them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.

All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every state shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectfully represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent, and that the Union shall be perpetual.

In witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord seventeen hundred and seventy-eight, and in the third year of the Independence of America:—

NEW HAMPSHIRE—Josiah Bartlett, John Wentworth, Jun.

MASSACHUSETTS BAY—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

RHODE ISLAND—William Ellery, Henry Marchant, John Collins.

CONNECTICUT—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

NEW YORK—James Duane, Francis Lewis, William Duer, Gouverneur Morris.

NEW JERSEY—John Witherspoon, Nathaniel Scudder.

PENNSYLVANIA—Robert Morris, Daniel Roberdeau, Jonathan B. Smith, William Clingan, Joseph Reed.

DELAWARE—Thomas M'Kean, John Dickinson, Nicholas Van Dyke.

MARYLAND—John Hanson, Daniel Carroll.

VIRGINIA—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

NORTH CAROLINA—John Penn, Cornstable Harnett, John Williams.

SOUTH CAROLINA—Henry Laurens, William Henry Drayton, Jno. Matthews, Richard Hutson, Thomas Heyward, Jun.

GEORGIA—Jno. Walton, Edward Telfair, Edward Langworthy.

AN ORDINANCE,

FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES,
NORTH-WEST OF THE RIVER OHIO.

Be it ordained by the United States, in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their children, and the descendants of a deceased child, in equal parts; the

descendants of a deceased child or grand child, to take a share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws, as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings every six months, to the secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a free-

hold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The Governor and judges, or a majority of them, shall adopt and publish, in the district, such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The Governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the general assembly shall be organized, the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made, shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district, in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: Provided, That for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature: Provided, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have re-

sided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold, and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representative thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by congress; any three of whom to be a quorum. And the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to congress: five of whom congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to congress; one of whom congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to congress; five of whom congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as congress shall appoint in the district, shall take an oath or affirmation, of fidelity and of office; the governor before the

president of congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected: to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states, and permanent governments therein, and for their admission to share in the federal councils, on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

ARTICLE II.

The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts or engagements, bonafide, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars, authorized by congress; but laws, founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted, or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states, as in the original states, within the time agreed upon by the United States in congress assembled. The legislatures of those districts or new states, shall never interfere with the primary disposal of the soil by the United States in congress assembled, nor with any regulations congress may find necessary for securing the title in such soil to the bonafide purchasers. No tax shall be imposed on lands, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said Territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line:— Provided, however, and it is further understood and declared, That the boundaries of these three states shall be subject so far to be altered, that if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: Provided, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the twenty-third of April, one thousand seven hundred and eighty-four, relative to the subject of this ordinance, be, and the same are hereby repealed, and declared null and void.

DONE by the United States, in congress assembled, the thirteenth day of July, in the year of our Lord, one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLIAM GRAYSON, Chairman.

CHARLES THOMPSON, Secretary.

CONSTITUTION

OF THE UNITED STATES.

COPIED FROM, AND COMPARED WITH, THE ROLL IN THE DEPARTMENT OF STATE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

SECTION II.

The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation or otherwise, during

the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance

of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII.

All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at

large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned, by the president, within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States: but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.

SECTION IX.

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm)

that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION II.

The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION II.

The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases, before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said

crimes shall have been committed, but when not committed within any state, the trial shall be at such place or places as congress may by law have directed.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION IV.

The United States shall guaranty to every state in this union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or other mode of ratification may be proposed by the congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the

adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land: and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, PRESIDENT, and
Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,

Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,

Rufus King.

CONNECTICUT.

William Samuel Johnson,

Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
William Patterson,

David Breardly,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Robert Morris,
Thomas Fitzsimons,
James Wilson,

Thomas Mifflin,
George Clymer,
Jared Ingersoll,
Gouverneur Morris.

DELAWARE.

George Reed,
John Dickinson,

Gunning Bedford, jun.
Richard Bassett,
Jacob Broom.

MARYLAND.

James M'Henry,

Daniel of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,

James Madison, jun.

NORTH CAROLINA.

William Blount,

Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutledge,
Charles Pinckney,

Charles C. Pinckney,
Pierce Butler.

GEORGIA.

William Few,

Abraham Baldwin.

Attest,

WILLIAM JACKSON, Secretary.

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED ACCORDING
TO THE PROVISIONS OF THE FIFTH ARTICLE OF THE FOREGOING
CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of relig-

ion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in a time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and dis-

trict wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall

not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority; then from the two highest members on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

NATURALIZATION OF ALIENS.

SECTION I.

Any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

First—That he shall have declared, on oath or affirmation, before the supreme, superior, district, or circuit court, of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, or before the clerk of either of such courts, two years at least, before his admission; that it was bonafide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and, particularly, by name, the prince, potentate, state, or sovereignty whereof such alien may, at the time, be a citizen or subject.

Second—That he shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatsoever, and particularly, by name the prince, potentate, state, or sovereignty whereof he was a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third—That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same: Provided, that the oath of the applicant shall, in no case, be allowed to prove his residence.

SECTION II.

Any alien who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts aforesaid, that he has resided two years at least within and under the jurisdiction of the United States, and one year at least

immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath, or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject; and, moreover, on its appearing to the satisfaction of the court, that, during the said term of two years, he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings required in this proviso to be performed in the court, shall be recorded by the clerk thereof.

Any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

Nothing in the first section of the act 22nd of March, 1816, shall be construed to exclude from admission to citizenship, any free white person who was residing within the limits and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having continued to reside therein without having made any declaration of intention before a court of record as aforesaid, may be entitled to become a citizen of the United States according to act 26th of March, 1804. Whenever any person without a certificate of such declaration of intention, as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States, before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and

under the jurisdiction of the United States for at least five years immediately preceeding the time of such application shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, between the fourteenth day of April, one thousand eight hundred and two, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without having made any previous declaration of his intention to become a citizen: Provided, That whenever any person, without a certificate of such declaration of intention, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States, before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same, or he shall not be so admitted; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceeding the time of such application, shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses, and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceeding his arrival at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted to a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without

having made the declaration required in the first condition of the first section of the act to which this is in addition, three years previous to his admission: Provided, Such alien shall make the declaration required therein at the time of his or her admission; and shall further declare on oath, and prove to the satisfaction of the court, that, for three years next preceding, it has been the bona-fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

In case the alien, applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made, which renunciation shall be recorded in the said court: Provided, That no alien, who shall be a native citizen, denizen, or subject, of any country, state, or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States.

SECTION III.

And whereas doubts have arisen whether certain courts of record in some of the states are included within the description of district or circuit courts: Be it further enacted, that every court of record in any individual state having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of this act, the same rights and privileges, as if he had been naturalized in a district or circuit court of the United States.

SECTION IV.

The children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: The right of citizenship shall not descend to

persons whose fathers have never resided within the United States. And no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the war of the revolution, shall be admitted a citizen without the consent of the legislature of the state in which such person was proscribed. Children of persons naturalized before the fourteenth of April, 1802, under age at the time of their parents' naturalization, were, if dwelling in the United States on the fourteenth of April, 1802, to be considered as citizens of the United States.

When any alien who shall have complied with the first condition specified in the first section of the said original act (of 14th April, 1802) and who shall have pursued the directions prescribed in the second section of the said act, may die before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

No person who shall arrive in the United States after February the seventeenth, 1815, shall be admitted to become a citizen of the United States, who shall not, for the continued term of five years, next preceding his admission, have resided within the United States, without being at any time during the said five years, out of the territory of the United States.

PROVISIONAL GOVERNMENT

OF THE

STATE OF DESERET.

ABSTRACT OF CONVENTION MINUTES.

On the 15th March, 1849, the Convention appointed the following persons, a Committee to draft a Constitution for the State of Deseret, viz:

ALBERT CARRINGTON,
JOSEPH L. HEYWOOD,
WILLIAM W. PHELPS,
DAVID FULLMER,
JOHN S. FULLMER,

CHARLES C. RICH,
JOHN TAYLOR,
PARLEY P. PRATT,
JOHN M. BERNHISEL,
ERASTUS SNOW.

March 18th, 1849.—Albert Carrington, chairman of the Committee, reported the following Constitution, which was read, and unanimously adopted by the Convention:—

CONSTITUTION

OF THE STATE OF DESERET.

PREAMBLE.

WHEREAS, a large number of the citizens of the United States, before, and since the Treaty of Peace with the Republic of Mexico, emigrated to, and settled in that portion of the territory of the Uni-

ted States, lying west of the Rocky Mountains, and in the great interior Basin of Upper California; and,

Whereas, by reason of said treaty, all civil organization, originating from the Republic of Mexico became abrogated; and,

Whereas, the Congress of the United States has failed to provide a form of civil government for the territory so acquired, or any portion thereof; and,

Whereas, civil government and laws are necessary for the security, peace and prosperity of society; and,

Whereas, it is a fundamental principle in all republican governments, that all political power is inherent in the people; and governments instituted for their protection, security and benefit, should emanate from the same:

THEREFORE, your Committee beg leave to recommend the adoption of the following CONSTITUTION, until the Congress of the United States shall otherwise provide for the Government of the Territory, hereinafter named and described, by admitting us into the Union. WE, THE PEOPLE, Grateful to the SUPREME BEING for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, DO ORDAIN AND ESTABLISH A FREE AND INDEPENDENT GOVERNMENT, by the name of the STATE OF DESERET; including all the territory of the United States, within the following boundaries, to wit: Commencing at the 33°, north latitude where it crosses the 108°, longitude, west of Greenwich, thence running south and west to the northern boundary of Mexico; thence west to, and down the main channel of the Gila river, (or the northern line of Mexico,) and on the northern boundary of Lower California to the Pacific ocean; thence along the coast, north westerly to the 118°, 30' of west longitude; thence North to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains to the dividing range of mountains, that separate the waters flowing into the Columbia river, from the waters running into the Great Basin; thence easterly along the dividing range of mountains that separate said waters flowing into the Columbia river on the north, from the waters flowing into the Great Basin on the south, to the summit of the Wind River chain

of mountains; thence south east and south by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico, from the waters flowing into the Gulf of California, to the place of beginning; as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States, in 1848.

ARTICLE I.

The powers of Government of the State of Deseret, shall be divided into three distinct departments; viz., Legislative, Executive, and Judiciary.

ARTICLE II.

OF THE LEGISLATIVE.

SECTION I.

The Legislative authority of this State, shall be vested in a General Assembly, consisting of a Senate and House of Representatives; both to be elected by the people.

SECTION II.

The Session of the General Assembly, shall be annual; and the first Session be held on the first Monday of July next; and thereafter, on the first Monday of December; unless the Governor of the State shall convene the Assembly, in the interim, by Proclamation.

SECTION III.

The members of the House of Representatives shall be chosen biennially, by the qualified electors of their respective districts, on the first Monday in August; whose term of office shall continue two years from the day of the general election.

SECTION IV.

No person shall be a Member of the House of Representatives, who has not attained the age of 25 years; the same to be a free, white, male citizen of the United States, and an inhabitant of this State, one year preceding the time of his election, and a resident of the district or county 30 days next preceding his election; and have

at his election, an actual residence in the district he may be chosen to represent.

SECTION V.

Senators shall be chosen for the term of four years, at the same time and place of Representatives; they shall be thirty years of age; and possess the qualifications of Representatives, as to residence and citizenship.

SECTION VI.

The number of Senators shall not be less than one third, nor more than one half of the Representatives: and, at the first session of the General Assembly, after this Constitution takes effect, the Senate shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class, shall be vacated at the expiration of two years, so that one half of the Senate shall be elected biennially.

SECTION VII.

Each house shall choose its own officers; and judge of the qualification, election, and return of its own members; and contested elections shall be determined in such manner as shall hereafter be directed by law.

SECTION VIII.

A majority, in each house, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalty, as each house may provide.

SECTION IX.

Each house shall have all powers necessary for a branch of the General Assembly of a free and independent government.

SECTION X.

Each member of the Assembly shall be privileged from civil arrest, during any session, and in going to, and returning from the same.

SECTION XI.

Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place, than that in which they may be sitting.

SECTION XII.

The Assembly shall, at its first session, provide for an enumeration of the white inhabitants, and an apportionment for the Senators and Representatives.

SECTION XIII.

Each Member of the Assembly shall take an oath or affirmation to support the Constitution of the United States, and of this State; and members shall and are hereby empowered to administer said oath, or affirmation, to each other.

SECTION XIV.

The veto power of the Governor, shall be allowed by the Assembly, except on bills, which when re-considered, shall be again passed by a majority of two thirds of those present; and any bill vetoed by the Governor, shall be returned within ten days, (Sundays excepted,) with his objections; otherwise it shall become a law; unless the Assembly, by adjournment, prevent its return.

SECTION XV.

Every law passed by the Assembly, shall take effect from and after due publication by authority.

SECTION XVI.

The voters of this State, may elect, at the first election, not exceeding 17 Senators, and 35 Representatives.

ARTICLE III.

OF THE EXECUTIVE.

SECTION I.

The executive power shall be vested in a Governor, who shall hold his office for four years. A Lieutenant Governor shall be

elected at the same time, and for the same term, who shall be the President of the Senate.

SECTION II.

No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been a citizen of the United States, and a resident of this State, two years next preceding his election, and attained the age of 35 years, at the time of his election.

SECTION III.

The Governor shall be commander in chief of the militia, navy, and all the armies of this State.

SECTION IV.

He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SECTION V.

He shall see that the laws are faithfully executed.

SECTION VI.

When any office shall, from any cause, become vacant, and no mode is prescribed by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire when such vacancy shall be filled by due course of law.

SECTION VII.

He shall also have power, to convene the General Assembly, by proclamation, when in his opinion the interests of the State require it.

SECTION VIII.

He shall communicate by message to the General Assembly, at every session, the condition of the State; and recommend such matters as he shall deem expedient.

SECTION IX.

In case of disagreement in the General Assembly, with regard to

the time of adjournment, the Governor shall have power to dissolve the session by proclamation.

SECTION X.

No person shall, while holding any lucrative office under the United States, or this State, execute the office of Governor, except as shall be prescribed by law.

SECTION XI.

The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction; except in cases of impeachment.

SECTION XII.

The Governor shall receive, for his services, such compensation as shall hereafter be provided by law.

SECTION XIII.

There shall be a Seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "Great Seal of the State of Deseret."

SECTION XIV.

All grants and commissions shall be in the name and by the authority of the people of the State of Deseret; sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SECTION XV.

A Secretary of State, Treasurer, and Auditor of Public Accounts, shall be elected by the qualified electors, who shall continue in office for the term of four years.

The Secretary of State shall keep a fair Registry of all the official acts of the Governor, and shall when required lay the same, together with all papers, minutes, and vouchers, relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law.

SECTION XVI.

In case of impeachment of the Governor, his removal from office,

death, resignation, or absence from the State, the powers, and duties of the office shall devolve upon the Lieutenant Governor, until such disability shall cease, or the vacancy be filled.

ARTICLE IV.

OF THE JUDICIARY.

SECTION I.

The Judicial power shall be vested in a Supreme Court, and such inferior courts as the General Assembly shall from time to time establish.

SECTION II.

The Supreme Court shall consist of a Chief Justice, and two Associates, either two of whom shall be a quorum to hold courts.

SECTION III.

The Judges of the Supreme Court shall be elected by joint vote of both houses of the General Assembly, and shall hold their courts at such time and place as the General Assembly shall direct; and hold their office for the term of four years, and until their successors are elected and qualified. The Judges of the Supreme Court shall be conservators of the peace throughout the State, and shall exercise such other jurisdictions and appellate powers, as shall be prescribed by law.

SECTION IV.

The style of all process shall be, the State of Deseret, and all prosecutions shall be in the name, and by the authority of the State.

ARTICLE V.

OF ELECTIONS.

SECTION I.

The Governor, Lieutenant Governor, Secretary of State, Treasurer, and Auditor of Accounts, shall be elected by the qualified electors, as provided for members of the General Assembly, and at the time and place appointed for holding the same.

SECTION II.

The returns of every election for Governor, Lieutenant Governor, Secretary of State, Treasurer and Auditor, shall be sealed up, and transmitted forthwith to the seat of government, directed to the Speaker of the House of Representatives; who shall, during the first week of the session, open and publish them in the presence of both Houses of the General Assembly; and the persons receiving a majority of all the legal votes cast for their respective offices, shall be declared duly elected.

SECTION III.

The Governor, Lieutenant Governor, Secretary of State, Treasurer and Auditor, shall, before entering upon the duties of their respective offices, take an oath or affirmation to support the Constitution of the United States, and of this State; which oath or affirmation shall be administered by the Speaker of the House of Representatives.

SECTION IV.

The first election for members of the General Assembly, and other officers under this Constitution, shall be held on the first Monday of May next, at the usual places of holding public meetings, in the different districts and settlements; at which time and place the qualified voters shall vote for or against the adoption of this Constitution; and if a majority of all the legal votes shall be in favor of its adoption, the same shall take effect from and after said election.

SECTION V.

At the time and place of holding the elections, the qualified electors shall organize the polls by appointing two judges, who shall be authorized to qualify each other, and appoint two suitable persons as clerks; and said judges shall, at the close of said election, seal up the number of votes so cast, and forthwith transmit them to the president of this convention.

SECTION VI.

The returns of the first election, herein provided for, shall be made to the chairman of this convention; who, together with the two secretaries, shall proceed immediately to open said returns, and

count the votes; upon ascertaining the persons receiving a majority of votes, they shall forthwith notify them of their election.

SECTION VII.

The General Assembly shall, at its first session, provide by law a general system of election for officers under this Constitution; and such other officers as may be hereafter created by law.

SECTION VIII.

The manner of voting shall be by ballot.

SECTION IX.

The General Assembly shall meet at Great Salt Lake City, which place shall be the seat of government, until otherwise provided by law.

SECTION X.

All white male residents of this State over the age of twenty one years shall have the privilege of voting at the first election and adoption of this Constitution: Provided, that no person in the military, naval or marine service of the United States shall be considered a resident of this State, by being stationed in any garrison, barrack, military, or naval place, or station within this State; unless otherwise provided for by law.

ARTICLE VI.

OF THE MILITIA.

SECTION I.

The Militia of this state shall be composed of all able bodied, white male citizens, between the ages of eighteen and forty five years, except such as are, or may hereafter be exempt, by the laws of the United States, or of this State; and shall be armed, equipped, and trained, as the General Assembly may provide by law.

SECTION II.

All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty; and all commissioned officers shall be commissioned by the Governor.

ARTICLE VII.

AMENDMENTS OF THE CONSTITUTION.

If at any time the General Assembly shall deem it necessary, and for the best interests of the State, that this Constitution should be revised, altered, or amended; the Assembly shall cause such revisions, alterations, or amendments, to be published, in the same manner as shall be provided for the publication of the statutes; and appoint a day, not less than thirty days thereafter, for the electors of the Commonwealth to assemble in their several precincts, and vote for, or against said revisions, alterations, or amendments; and if a majority of said electors shall vote in favor of said revisions, alterations, or amendments; the same shall thereafter become parts, and parcels of this Constitution: otherwise this Constitution shall remain unaltered.

ARTICLE VIII.

DECLARATION OF RIGHTS.

SECTION I.

In republican governments, all men should be born equally free and independent, and possess certain natural, essential, and inalienable rights; among which, are those of enjoying and defending their life and liberty, acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

SECTION II.

All political power is inherent in the people; and all free governments are founded in their authority, and instituted for their benefit; Therefore, they have an inalienable and indefeasible right to institute government; and to alter, reform, and totally change the same, when their safety, happiness, and the public good shall require it.

SECTION III.

All men shall have a natural and inalienable right to worship God, according to the dictates of their own consciences; and the General Assembly shall make no law respecting an establishment

of religion, or of prohibiting the free exercise thereof, or disturb any person in his religious worship or sentiments; provided he does not disturb the public peace, nor obstruct others in their religious worship: and all persons, demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another, shall ever be established by law; nor shall any religious test be ever required for any office of trust under this State.

SECTION IV.

Any citizen of this State, who may hereafter be engaged, either directly or indirectly, in a duel, either as principal, or accessory before the fact, shall be disqualified from holding any office under the Constitution, and laws of this State.

SECTION V.

Every person may speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to abridge the liberty of speech or of the press.

SECTION VI.

The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures.

SECTION VII.

The right of trial by jury shall remain inviolate; and all criminals shall be heard by self, or counsel; at their own election.

SECTION VIII.

All penalties and punishments shall be in proportion to the offence; and all offences before conviction, shall be bailable; except capital offences, where the proof is evident, or the presumption great.

SECTION IX.

The writ of Habeas Corpus shall not be suspended unless in case of rebellion, or invasion, or the public safety shall require it.

SECTION X.

Treason against this State, shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

SECTION XI.

The General Assembly shall pass no bill of attainder, or ex post facto law, or law impairing the obligation of contracts to hinder the execution of justice.

SECTION XII.

The laws shall not be suspended, but by the legislative, or executive authority.

SECTION XIII.

The right of petition, by the people, shall be preserved inviolate.

SECTION XIV.

The right of citizens to keep and bear arms, for common defence, shall not be questioned.

SECTION XV.

Private property shall not be taken for public use, without just compensation.

SECTION XVI.

No standing army shall be kept up in time of peace, and the military shall at all times, and in all places, be in strict subordination to civil power.

SECTION XVII.

The enumeration of certain rights shall not be construed to impair, nor deny others retained by the people.

ORDINANCES
PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF DESERET.

CHAPTER I.

AN ORDINANCE providing for State and County Road Commissioners.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That a State Road Commissioner shall be elected by the General Assembly, whose term of office shall be two years, and until his successor is elected and qualified; who shall take an oath, and give bond with security for the faithful performance of the duties of his office; which bond shall be approved by the Secretary of State, and filed in his office.

How elected.

Term of office.

Oath and Bond.

SEC. 2. Whenever the General Assembly shall grant a State road, from one given point to another, it shall be the duty of the State Road Commissioner to institute a speedy survey for said road, on the most feasible and practicable route, having special reference to public convenience, utility, and durability; showing distances, altitude of hill, soils, rivers, ravines, and all such like information relating to convenience, and expense, &c., with all reasonable dispatch, to the Governor, who with the Commissioner, shall decide on the location of

Duties.

said road, and all such, and other maps and reports; and maps, and reports of all surveys made by the State Road Commissioner, shall be filed in the office of the Secretary of State, within a reasonable time.

One road feasible, or Governor instructs.

Duty.

SEC. 3. If it shall appear evident that there is but one feasible route for any road granted by the General Assembly, or if the Governor shall instruct the Commissioner to locate any given road on any particular route, previous to a survey; then it shall be the duty of the Commissioner to locate said road without delay, and file a report of each and every location of a State road, in the Secretary's office, as in the second section.

Commissioners to make contracts.

SEC. 4. It shall be the duty of State Road Commissioners to make all contracts for building bridges, aqueducts, culverts, turnpikes, and all other fixtures necessary for the completion of any public road, located by himself or predecessors in office, yet remaining uncompleted, and draw upon the public treasury for such money as shall from time to time be granted by the General Assembly, for the payment of said contracts; keep an accurate account of all sums of money by him received, and how expended, and make a true report of the same, on or before the first of December of each year to the Auditor of Public Accounts.

County Road Com., how appointed.

SEC. 5. The county court in each county, shall have power to appoint one or more Road Commissioners, whenever they shall deem it necessary, to locate all county roads within the limits of said county, whose term of office shall be two years, and until their successors are appointed and qualified. They shall also give bond and security, for the faithful performance of the duties of their office, to be approved by the Clerk of said court, and filed in his office.

Duties of

SEC. 6. It shall be the duty of all County Road Commissioners so appointed, to make all contracts for improvements upon all such roads, locating the same upon the most judicious routes, and keep and make a true and full report of all their proceedings, and lay the same before the county court, at each regular session of the same; and before they shall cease to officiate in said office, file all such reports, in the office of the Clerk of the county court.

Powers of

SEC. 7. The Commissioners herein provided for, shall locate all roads herein contemplated, upon such ground as shall be most conducive to the public benefit,

and have power to open the same through enclosures, farming lands, &c., where necessary.

SEC. 8. Any person feeling him or herself damaged by the opening of any such road, through or across their premises, may have the same appraised by three judicious men, who shall, in calculating such damages, also consider the benefit accruing to said premises in consideration of said road, and if it shall appear that the premises, through which said road shall pass, are damaged more than benefited by the same, the owners thereof may recover the same by an appeal to the county courts, all such amounts to be paid out of the public treasury. Damages here settled.

Approved Jan. 15th, 1850.

CHAPTER II.

AN ORDINANCE incorporating the University of the State of Deseret.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That a University is hereby instituted and incorporated, located at Great Salt Lake City, by the name and title of the University of the State of Deseret. Incorporation.

SEC. 2. The powers of the University shall be vested in a Chancellor and twelve Regents; the number of which Regents may be increased when necessary, who shall be chosen by the joint vote of both Houses of the General Assembly, and shall hold their office for the term of four years; and until their successors are qualified. Powers vested in officers.

SEC. 3. The Chancellor shall be the chief executive officer of the University, and chairman of the Board of Regents. Powers of Chancellor.

SEC. 4. The Chancellor and Board of Regents are a body corporate, to sue and be sued; to act as Trustees of the University, to transact, or cause to be transacted, all business needful to the prosperity of the University, in advancing all useful and fine arts and sciences; to select and procure lands; erect and purchase buildings; solicit donations; send agents abroad; receive sub- Powers of Chancellor and Board of Regents.

scriptions; purchase books, maps, charts, and all apparatus necessary for the most liberal endowment of any library, and scientific institution; employ professors and teachers; make by-laws, establish branches of the University throughout the State; and do all other things that fathers and guardians of the Institution ought to do.

Secretary. SEC. 5. The Chancellor and Regents may appoint a Secretary, and define his duties.

Oath & Bond. SEC. 6. The Chancellor, Regents, and Secretary, before entering upon the duties of their respective offices, shall each take an oath of office, and file a bond in the office of the Secretary of State, with approved securities, in a sum not less than ten thousand dollars, conditioned for the faithful performance of their several duties; which sum may be increased at the discretion of the Executive of the State.

Duties of Treasurer SEC. 7. There shall be a Treasurer of the University elected in the same manner, and for the same time as the Chancellors and Regents; whose duty it shall be to receive and safely keep the funds of the University, or dispose of the same, as he shall be directed by the Board of Regents; and keep accurate records of all funds that may come into his possession; and keep his books open at all times for the inspection of the Chancellor and Regents, or any of them, and of the Executive and Secretary of State.

Oath & Bond. SEC. 8. The Treasurer, before entering upon the duties of his office, shall take an oath of office, and file a bond with approved security, in the office of the Secretary of State, in the sum of one hundred thousand dollars; conditioned for the faithful performance of his duties, which sum may be increased at the discretion of the Executive of the State.

Vacancy. SEC. 9. Should a vacancy occur in the Board of Regents, or any office in the Institution, during the recess of the General Assembly, the Executive of the State may fill such vacancy.

Duties of officers. SEC. 10. It shall be the duty of the officers of the University, to prepare and open books; and be ready to receive subscriptions, donations and appropriations, on or before the sixth day of April next; and shall legibly enter upon their books, all subscriptions and donations to the University, with the names of the donors, time and place, and preserve the same.

SEC. 11. The Board of Regents shall have a seal, Seal.
known as the seal of the University; which may accompany all their official correspondence, and all other legal documents given under the hands of the Regency of the University.

SEC. 12. It shall be the duty of the Chancellor and Board of Regents, as soon as the funds arising from donations or otherwise may justify, to establish a free school institution for the benefit of orphans, and other indigent worthy persons. Free School.

SEC. 13. The Secretary and Treasurer shall each present a full and explicit report in writing of the situation, funds, and doings of the University in their several departments, by the fifteenth of October in each year, to the Auditor of Public Accounts. Report.

Approved Feb. 28th, 1850.

CHAPTER III.

AN ORDINANCE in relation to County Recorders.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That a County Recorder shall be elected at the usual place of holding elections in each organized county of this State, whose term of office shall be four years, and until his successor is qualified. How elected.

SEC. 2. The Recorders in their respective counties shall take an oath of office, and give bond and security to be approved by the County Court, and filed in the county clerk's office. Oath & Bond.

SEC. 3. It shall be the duty of Recorders in their respective counties to provide themselves with good and well bound books suitable for the purpose, and record therein all transfers or conveyances of land or tenements, and all other instruments of writing and documents suitable, necessary and proper to be recorded in a fair and legible manner. Duties to record transfers.

SEC. 4. The Recorders in their respective counties shall also procure and keep a suitable book for the purpose of recording town and city plats, and plats of all surveys of lands, roads, and surveys of public works, Duties as to town and city plats.

whenever the same shall be permanently located, and being within their respective counties.

Books SEC. 5. The books of record shall be indexed in alphabetical order, and free to the examination of all persons, and upon the filing of any paper for record, the Recorder shall endorse upon the back thereof the time of receiving it.

Approved March 2nd, 1850.

CHAPTER IV.

AN ORDINANCE creating a Surveyor General's Office, &c.

How elected. SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That a Surveyor General for the State shall be elected by the General Assembly, whose term of office shall be two years, and until his successor is qualified.

Oath & Bond. SEC. 2. The Surveyor General shall take an oath of office, and give bond and security to be approved by the Secretary of State, and filed in his office.

Duties. SEC. 3. The Surveyor General shall keep his office at the seat of government, and keep a record of all surveys made by himself or reported to him by other surveyors, in a book suitable for the purpose. He shall also have a general superintendence and supervision of all surveys of land made within the State.

Duties of Surv. Gen. & Co. Surv. SEC. 4. It shall be the duty of the Surveyor General, and all County Surveyors, to supervise all surveys made in their respective jurisdiction, that the same may be accurate, and no report shall be filed for record until the same shall be certified to by the Surveyor General, or County Surveyor, as being correct.

Title of possession. SEC. 5. All surveys made in this State shall be made to correspond with the original survey of Great Salt Lake City, and in all new surveys certificates approved by authorized surveyors shall be considered title of possession to the holding of the same for the amount of land therein described.

Approved March 2nd, 1850.

CHAPTER V.

AN ORDINANCE prohibiting the sale of Arms, Ammunition, or Spirituous Liquors to the Indians.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That if any person shall hereafter trade or give any guns, rifles, pistols, or any other deadly weapons, ammunition or spirituous liquors to any Indian, without having a license, shall on conviction thereof before any justice of the peace, be fined in a sum not exceeding five hundred dollars for each offence, and also forfeit all the property received from the Indian, which shall be sold, and the proceeds thereof paid into the public treasury. Fines;

Approved March 23th, 1850.

CHAPTER VI.

AN ORDINANCE to control the Waters of the Twin Springs, and Rock Spring, in Tooele Valley and County, for Mills and Irrigating purposes.

Be it ordained by the General Assembly of the State of Deseret: That Ezra T. Benson is hereby granted the exclusive privilege of controlling the waters in Tooele Valley, Tooele County, known as the Twin Springs: also the waters that issue from a spring called the Rock Spring, in said Valley and County, for mills and irrigating purposes. Grant to
E. T. Benson.

Approved Dec. 9th, 1850.

CHAPTER VII.

AN ORDINANCE concerning City Creek and Canyon.

Be it ordained by the General Assembly of the State of Deseret: That Brigham Young have the sole control Sole control to
B. Young.

of City Creek and Canyon; and that he pay into the public treasury the sum of five hundred dollars therefor.

Approved Dec. 9th, 1850.

CHAPTER VIII.

AN ORDINANCE granting the Waters of North Mill Creek Canyon, and the Waters of the next Canyon North, to Heber C. Kimball.

Grant to
H. C. K.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That Heber C. Kimball have the exclusive privilege of conveying the waters of North Mill Creek Canyon, and the waters of the Canyon next north, to wit: about half a mile distant to some convenient point below the mouth of the two canyons, and of appropriating the same to the use of a saw mill, grist mill, and other machinery.

Proviso.

SEC. 2. Nothing herein contained shall prevent the waters aforesaid from being used, whenever and wherever it is necessary for irrigating.

Approved Jan. 9th, 1851.

CHAPTER IX.

AN ORDINANCE to incorporate Great Salt Lake City

City boundaries.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all that district of country embraced in the following boundaries, to wit:—beginning at the south east corner of the Church Pasture, about half a mile north of the Hot Spring; thence west to the west bank of the Jordan river; thence south, up the west bank thereof, to a point in said bank directly west from the south west corner of the five acre lots, south of said city, thence east to the aforesaid south

west corner of said five acre lots, and along the south line thereof; thence east to the base of the mountains; thence directly north to point directly east of the south east corner of the Church Pasture; thence west to the place of beginning;—including the present surveys of said city; shall be known and designated as Great Salt Lake City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name & style.

Seal

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Corporate powers.

SEC. 3. There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

City Council

Term of office

Majority to form a quorum.

SEC. 4. The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Oath.

SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Alder-

Times of elections.

First election. men, and nine Councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is herein after provided for, and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Judges and Clerks of elections how appointed.

Duty of Clerks.

Qualification of voters.

SEC. 6. All free white male inhabitants of the age of eighteen years, who are entitled to vote for State officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Powers of City Council.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Officers how appointed.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal and Supervisor of Streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

SEC. 9. The City Council shall have power to require of all officers appointed in pursuance of this ordi-

nance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Bonds.

Oath.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein, from destruction of property by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Powers of
City Council.

Vacancies.

Wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue, arising from taxes assessed on real estate within this corporation.

Schools.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same.

Contagious
disease.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

Water. SEC. 15. To provide the city with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

Streets. SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

Lighting. SEC. 17. To provide for lighting of the streets, and erecting lamp posts; and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Buildings, &c. SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing powers SEC. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money changers.

Hacking, &c. SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portorage.

Theatricals, &c. SEC. 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

Tippling houses, &c. SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Fires, &c. SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

Gunpowder, &c. SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

Walls, &c. SEC. 25. To regulate and order parapet walls, and other partition fences.

Weights and measures. SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

SEC. 27. To provide for the inspection and measur-

ing of lumber, and other building materials, and for the measurement of all kinds of mechanical work. Lumber, &c.

SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and measuring of charcoal, firewood, and other fuel, to be sold or used within the city. Hay, &c.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous or fermented liquors. Provisions.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city. Bread, &c.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this or any city ordinance. Compensation of officers, &c.

SEC. 33. The City Council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling. Gambling, &c.

SEC. 34. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State. Ferries and bridges.
Police.
Fines.

SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in three of the most public places in the city. Publication of ordinances.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts, or places, without further proof. Ordinances how proven.

Mayor and Aldermen to have powers of justices of the peace.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city by the Governor.

Jurisdiction of Mayor and Aldermen.

SEC. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court under such regulations, as may be prescribed by ordinance; which court shall be composed of the Mayor as chief justice, and the Aldermen as associate justices; and from the final judgment of the Municipal Court to the Probate Court of Great Salt Lake County, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City Council.

Appeals how taken.

Meetings.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

Duties of Marshal.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duties of Recorder.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record shall at all times be

open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private property is taken, how compensated.

SEC. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Jurors.

SEC. 44. In case the Mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Great Salt Lake County, and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Mayor how tried.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fine and forfeitures which may be recovered against them.

Criminal cases.

SEC. 46. The inhabitants of Great Salt Lake City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of, the supervisor of streets, within the limits of said city.

Road taxes.

SEC. 47. The Mayor, Aldermen, and Councilors of said city shall, in the first instance, be appointed by the

First Council how appointed

Governor and Legislature of said State of Deseret; and shall hold their office until superseded by the first election.

Approved Jan. 19th, 1851.

CHAPTER X.

AN ORDINANCE in relation to the timber in the mountains, West of Jordan.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret, That the exclusive control of the timber in the kanyons, on the east side of the range of mountains west of Jordan, in Great Salt Lake county, is hereby granted to George A. Smith, who is hereby authorized to control the timber in said kanyons, to work roads into them; and to direct when, where, and by whom, timber may be taken out therefrom.

Grant to
G. A. Smith.

SEC. 2. Be it ordained, that any person getting timber from said kanyons, shall be required to keep the roads clear, and to pay in labor, or otherwise, for the use of the private roads leading to the timber; and any person wasting, burning, or otherwise destroying the timber, shall be subject to all damages, and to a fine not exceeding one hundred dollars, at the discretion of the court having jurisdiction.

Penalties for
trespass.

SEC. 3. No person shall be allowed to cut timber in any place in these kanyons, without permission from the proprietor, who is hereby authorized to give directions accordingly.

Cutting timber.

SEC. 4. Any person cutting timber or wood in the above kanyons, and leaving it on the ground an unreasonable time, the proprietor of said kanyons shall have the privilege to remove said wood and timber, and dispose of it, and the avails paid into the public treasury.

Powers to gran-
tee.

SEC. 5. Nothing in the above ordinance shall be construed as to prevent, or hinder the citizens of said county from getting timber, wood, or poles, in any of said kanyons, for their own use, by observing the above regulations.

Proviso.

Approved Jan. 9th, 1851.

CHAPTER XI.

AN ORDINANCE in relation to the timber in the kanyons and mountains leading into Tooele valley, and the kanyons between Salt Lake valley and Tooele.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret, That the exclusive control of the timber in the kanyons and mountain leading into Tooele valley, and the kanyons between Salt Lake valley and Tooele, is hereby granted to Ezra T. Benson, who is hereby authorized to control said kanyons, to work roads into them, and to direct when, where, and by whom timber may be taken out therefrom. Grant to E. T. Benson.

SEC. 2. Be it ordained, that any person getting timber from said kanyons, shall be required to keep the roads clear, and to pay in labor, or otherwise, for the use of the private roads leading to the timber; and any person wasting, burning, or otherwise destroying the timber, shall be subject to all damages, and to a fine not exceeding one hundred dollars, at the discretion of the court having jurisdiction. Penalties for trespass.

SEC. 3. No person shall be allowed to cut timber, in any place in these kanyons, without permission from the proprietor; who is hereby authorized to give directions accordingly. Cutting timber.

SEC. 4. Any person cutting timber, or wood, in the above kanyons, and leaving it on the ground, an unreasonable time, the proprietor of said kanyons shall have the privilege to remove said wood and timber, and dispose of it, and the avails paid into the public treasury. Powers to grantee.

SEC. 5. Nothing in the above ordinance shall be so construed as to prevent, or hinder the citizens of said counties from getting timber, wood, or poles; in any of said kanyons, for their own use, by observing the above regulations. Proviso.

Approved Jan. 9th, 1851.

CHAPTER XII.

AN ORDINANCE pertaining to North Cottonwood kanyon.

Be it ordained by the General Assembly of the State of Deseret, That Willard Richards have the exclusive Grant to Willard Richards.

right of working a road or roads into, or through the North Cottonwood kanyon, and control the same.

Approved Jan. 18th, 1851.

CHAPTER XIII.

AN ORDINANCE to incorporate Ogden City.

Boundaries.

Name and style.

Control adjacent water and timber.

Corporate powers.

City Council.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret, That all that district of Weber county embraced in the following boundaries, to wit:—beginning at the base of the mountain due east of the present mill dam on Weber river, and running due west to the south end of said mill dam; thence continuing the same a due west course to a point due south of the confluence of the Weber and Ogden rivers; thence due north to the confluence of the said rivers to a point due west of the mouth of Ogden-hole kanyon; thence east to the mouth of Ogden hole kanyon; thence in a southerly direction, along the base of the mountain to the place of beginning, shall be known and designated under the name and style of Ogden city; providing the said city council shall have the jurisdiction over and control of the water and timber adjacent upon said streams, from the mouth of the Ogden and Weber river kanyons to the western boundary of said city.

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city for burying grounds or public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property; and do all other things in relation thereto as natural persons.

SEC. 3. There shall be a City Council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall

be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Majority form a quorum.

SEC. 4. The mayor, aldermen, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Oath.

SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councillors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock A. M., and closed at six o'clock P. M. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after his election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose apdointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Time of elections.

First election.

Judges and clerks of election, how appointed.

Duty of clerks.

SEC. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual resi-

Qualifications of voters.

dents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Power to levy
and collect tax-
es.

SEC. 7- The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Officers, how
appointed.

SEC. 8. The City Council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Officers to give
bonds.

SEC. 9. The City Council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Power to pass
ordinances and
to fill vacancies.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city,—for the protection of property therein from destruction by fire or otherwise; and for the health and happiness thereof.— They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interests of the city.

Wards.

SEC. 11. To establish, support, and regulate com-

mon schools; to borrow money on the credit of the city —provided that no sum or sums of money be borrowed on a greater interest than six per. cent. per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one-half of the city revenue, arising from taxes assessed on real estate within this corporation.

Further powers.

Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same.

Prevent disease.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires and the convenience of the inhabitants.

Water.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect and keep in repair, aqueducts and bridges.

Streets.

SEC. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market-places; and provide for the government and regulations thereof.

Lighting.

Night watches.

SEC. 18. To provide for the erection of all needful buildings for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Public grounds, &c.

SEC. 19. To license tax, and regulate auctioneers, merchants, retailers, grocers; taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.

Tax auctioneers, &c.

SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property; as also to license and regulate porters, and fix the rates of portorage.

Hacking, &c.

SEC. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements.

Theatricals, &c.

- Tippling houses, &c.** SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.
- Fires, &c.** SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof, and stove pipes; and to organize and establish fire companies.
- Gunpowder, &c.** SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- Walls.** SEC. 25. To regulate and order parapet walls, and other partition fences.
- Weights and measures.** SEC. 26. To establish standard weights and measures, and to regulate the weights and measures to be used in the city, in all cases not provided by law.
- Lumber, &c.** SEC. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.
- Hay, &c.** SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and the measuring of charcoal, fire wood, and other fuel to be sold or used within the city.
- Provisions, &c.** SEC. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky and brandy; and all other spirituous or fermented liquors.
- Bread.** SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.
- Census.** SEC. 31. To provide for taking the enumeration of the inhabitants of the city.
- Fees.** SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others for services rendered under this or any city ordinance.
- Gambling &c.** SEC. 33. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.
- Ferries and bridges.** SEC. 34. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines forfeitures, and penalties for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper for carrying
- Penalties.**

into effect and execution the powers specified in this ordinance; provided, such ordinances are not repugnant to the Constitution of the United States, or of this State.

SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in three of the most public places in the city. Publication of ordinances.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts, or places without further proof. Proof of ordinances.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor. Mayor and Aldermen to have the powers of Justices of the Peace.

SEC. 38. The mayor and aldermen shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court under such regulations, as may be prescribed by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the probate court of Weber county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same, in all cases arising under the ordinances of the City Council. Jurisdiction of the Mayor.
Appeals.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such Meetings.

times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

Powers.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city; and shall be the principal ministerial officer.

Duties of Recorder.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

When private property is taken.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Jurors.

SEC. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Mayor, how tried.

SEC. 44. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Weber county; and on conviction, he shall be liable to a fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Punishment of offenders and vagrants.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works,

until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

SEC. 46. The inhabitants of Ogden City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city. Road taxes.

Approved, February 6, 1851.

CHAPTER XIV.

AN ORDINANCE to incorporate the City of Manti.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all that portion of the county of San Pete, which lies in the following boundaries, to wit: Beginning at the warm spring (about two miles) south of the present city plat in said county; thence west to the west bank of San Pete creek; thence north and north east along the west bank of said creek to a point due west of the mouth of Willow Creek Canyon; thence east to the mouth of Willow Creek Canyon; thence due south to a parallel line due east of the aforesaid warm spring; thence west on said line to the place of beginning,—including the survey of said plat,—shall be known and designated as the city of Manti; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Boundaries.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity, and in all actions Name & style.

Seal.

Corporate powers.

whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

City Council **Sec. 3.** There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office

Majority to form a quorum.

Oath. **Sec. 4.** The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their offices, to the best of their skill and ability.

Times of elections. **Sec. 5.** On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his

First election.

Judges and Clerks of elections how appointed.

Duty of Clerks.

usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is herein after provided for, and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

SEC. 6. All free white male inhabitants of the age of eighteen years, who are entitled to vote for State officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification
of voters.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Powers of City
Council.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal and Supervisor of Streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Officers how
appointed.

SEC. 9. The City Council shall have power to require of all officers appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Bonds.

Oath.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein, from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in

Powers of
City Council.

Vacancies.

any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Wards.

Schools.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue, arising from taxes assessed on real estate within this corporation.

Contagious disease.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same.

Debts.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Hospitals.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Water.

SEC. 15. To provide the city with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

Streets.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

Lighting.

Night watches.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts; and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulation thereof.

Buildings, &c.

SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improv-

ing, and regulating all public grounds belonging to the city.

SEC. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money changers. Taxing powers

SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portorage. Hacking, &c.

SEC. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements. Theatricals, &c.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses. Tippling houses, &c.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Fires, &c.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Gunpowder, &c.

SEC. 25. To regulate and order parapet walls, and other partition fences. Walls, &c.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law. Weights and measures.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work. Lumber, &c.

SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and measuring of charcoal, firewood, and other fuel, to be sold or used within the city. Hay, &c.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous or fermented liquors. Provisions.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city. Bread, &c.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, Compensation of officers, &c.

for services rendered under this or any city ordinance.

Gambling, &c. SEC. 33. The City Council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.

Ferries and bridges. SEC. 34. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State.

Police.

Fines.

Publication of ordinances. SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper; printed in said city, or certified copies thereof, be posted up in three of the most public places in the city.

Ordinances how proven. SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts, or places, without further proof.

Mayor and Aldermen to have powers of justices of the peace. SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city by the Governor.

Jurisdiction of Mayor and Aldermen. SEC. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or

judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court under such regulations, as may be prescribed by ordinance; which court shall be composed of the Mayor as chief justice, and the Aldermen as associate justices; and from the final judgment of the Municipal Court to the Probate Court of San Pete County, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City Council.

Appeals how taken.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

Meetings.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duties of Marshal.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

Duties of Recorder.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private property is taken, how compensated.

SEC. 43. All jurors empannelled to inquire into the amount of benefit to be taken, shall

Jurors.

first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Mayor how
tried.

SEC. 44. In case the Mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of San Pete County, and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Criminal cases.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases when such offenders or vagrants shall fail or refuse to pay the fine and forfeitures which may be awarded against them.

Road taxes.

SEC. 46. The inhabitants of Manti City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of, the supervisor of streets, within the limits of said city.

Approved Feb. 6th, 1851.

CHAPTER XV.

AN ORDINANCE to incorporate Provo City.

Boundaries.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all that district of country embraced in the following boundaries, in Utah county, to wit: Commencing two miles south from the present survey of the city of Provo, at the edge of Utah Lake; mountain to the north mountain; thence northerly with the river thence west

to the said Lake; thence southerly along the edge of the Lake to the place of beginning,—shall be known and designated under the name and style of Provo City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style.

Seal.

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city for burying grounds or public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property; and do all other things in relation thereto as natural persons.

Corporate powers.

SEC. 3. There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

City Council.

Term of office.

Majority form a quorum.

SEC. 4. The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and ability.

Oath.

SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirm-

Time of elections.

Judges and clerks of election, how appointed.

ation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock A. M., and closed at six o'clock P. M. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after his election, a written notice of the election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Duty of clerks.

Qualifications of voters.

SEC. 6. All free white male inhabitants, who are of the age of eighteen years, who are entitled to vote for state officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Power to levy and collect taxes.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Officers, how appointed.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, marshal, and Supervisor of Streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Officers to give bonds.

SEC. 9. The City Council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city,—for the protection of property therein from destruction by fire or otherwise; and for the health and happiness thereof.— They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interests of the city.

Power to pass ordinances and to fill vacancies

Wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city—provided that no sum or sums of money be borrowed on a greater interest than six per cent. per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one-half of the city revenue, arising from taxes assessed on real estate within this corporation.

Further powers.

Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same.

Prevent disease.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires and the convenience of the inhabitants.

Water.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair,

Streets.

- streets, avenues, lanes, and alleys; and to establish, erect and keep in repair, aqueducts and bridges.
- Lighting.** SEC. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market-places; and provide for the government and regulations thereof.
- Night watches.** SEC. 18. To provide for the erection of all needful buildings for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.
- Public grounds, &c.** SEC. 19. To license tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money changers.
- Tax auctioneers, &c.** SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property; as also to license and regulate porters, and fix the rates of portorage.
- Hacking, &c.** SEC. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements.
- Theatricals, &c.** SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.
- Tippling houses, &c.** SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof, and stove pipes; and to organize and establish fire companies.
- Fires, &c.** SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- Gunpowder, &c.** SEC. 25. To regulate and order parapet walls, and other partition fences.
- Walls.** SEC. 26. To establish standard weights and measures, and to regulate the weights and measures to be used in the city, in all cases not provided for by law.
- Weights and measures.** SEC. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.
- Lumber, &c.** SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and the measuring of charcoal, fire wood, and other fuel to be sold or used within the city.
- Hay, &c.** SEC. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky
- Provisions, &c.**

and brandy; and all other spirituous or fermented liquors.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city. Bread.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others for services rendered under this or any city ordinance. Fees.

SEC. 33. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling. Gambling &c.

SEC. 34. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines forfeitures, and penalties for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper for carrying into effect and execution the powers specified in this ordinance; provided, such ordinances are not repugnant to the Constitution of the United States, or of this State. Ferries and bridges.
Penalties.

SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in three of the most public places in the city. Publication of ordinances.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts, or places without further proof. Proof of ordinances.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor. Mayor and Aldermen to have the powers of Justices of the Peace.

Jurisdiction of
the Mayor.

SEC. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court under such regulations, as may be prescribed by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace; provided, the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same, in all cases arising under the ordinances of the City Council.

Appeals.

Meetings.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

Duties of Marshal.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city; and shall be the principal ministerial officer.

Duties of Recorder.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

When private
property is taken,
how compensated.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such com-

pensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Jurors.

SEC. 44. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Utah county; and on conviction, he shall be liable to a fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Mayor, how tried.

Criminal cases.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines or forfeitures which may be awarded against them.

SEC. 46. The inhabitants of the city of Provo shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Road Taxes.

Approved Feb. 6, 1851.

CHAPTER XVI.

AN ORDINANCE to incorporate Parowan City.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all that district of country in

Boundaries. Iron county, in this State, beginning at the dam, above the saw-mill, in the mouth of the kanyon on Centre creek, and running from thence north-east along the base of the mountain two miles; thence north three miles; thence west six miles; thence south to the base of the mountain; thence along the base of the mountain in a north easterly direction, to the place of beginning,—including the present location,—shall be known and designated as Parowan City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Name and style

Seal.

Corporate powers.

City Council.

Term of office.

Majority form a quorum.

Oath.

SEC. 2. The inhabitants said city by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in actions whatsoever, to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city for burying grounds or public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property; and do all other things in relation thereto as natural persons.

SEC. 3. There shall be a City Council, to consist of a mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 4. The Mayor, Aldermen, and Councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and ability.

SEC. 5. On the first Monday of March next, and every two years thereafter, on said day, an election

shall be held for the election of one Mayor, four Aldermen, and nine Councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks, and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the City Council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is herein after provided for, and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Times of elections.

Judges and Clerks of elections how appointed.

Duty of Clerks.

SEC. 6. All free white male inhabitants of the age of eighteen years, who are entitled to vote for State officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The City Council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Power to levy and collect taxes.

SEC. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal and Supervisor of Streets. They shall also have the power to appoint all such other officers, by ordinance, as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Officers how appointed.

SEC. 9. The City Council shall have power to re-

Officers to give bonds. quire of all officers appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Powers to pass ordinances and to fill vacancies. SEC. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city; for the protection of property therein, from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Wards.

Schools. SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue, arising from taxes assessed on real estate within this corporation.

Proviso.

Prevent disease. SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same.

Debts. SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Hospitals. SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

SEC. 15. To provide the city with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants. Water.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges. Streets.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts; and to establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulation thereof. Lighting.
Night watches.

SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city. Public grounds,
&c.

SEC. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money changers. Auctioneers,
&c.

SEC. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portorage. Hacking, &c.

SEC. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements. Theatricals,
&c.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses. Tippling
houses, &c.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Fires, &c.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Gunpowder,
&c.

SEC. 25. To regulate and order parapet walls, and other partition fences. Walls.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law. Weights and
measures.

SEC. 27. To provide for the inspecting and measur- Lumber, &c.

- ing of lumber, and other building materials, and for the measurement of all kinds of mechanical work.
- Hay, &c.** SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and measuring of charcoal, firewood, and other fuel, to be sold or used within the city.
- Provisions.** SEC. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous or fermented liquors.
- Bread, &c.** SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.
- Census.** SEC. 31. To provide for taking the enumeration of the inhabitants of the city.
- Fees.** SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this or any city ordinance.
- Gambling, &c.** SEC. 33. The City Council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.
- Ferries and bridges.** SEC. 34. The City Council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State.
- Penalties.** SEC. 35. All ordinances passed by the City Council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof, be posted up in three of the most public places in the city.
- Publication of ordinances.** SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation,
- Proof of ordinances.**

the same shall be received in evidence in all courts, or places, without further proof.

SEC. 37. The Mayor and Aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said city by the Governor.

Mayor and Aldermen to have powers of justices of the peace.

SEC. 38. The Mayor and Aldermen shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Municipal Court under such regulations, as may be prescribed by ordinance; which court shall be composed of the Mayor as chief justice, and the Aldermen as associate justices; and from the final judgment of the Municipal Court to the Probate Court of Iron County, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City Council.

Jurisdiction of Mayor and Aldermen.

Appeals.

SEC. 39. The Municipal Court may sit on the first Monday of every month, and the City Council, at such times and places as may be prescribed by city ordinance, special meetings of which may at any time be called by the Mayor or any two Aldermen.

Meetings.

SEC. 40. All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duties of Marshal.

SEC. 41. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made

Duties of Recorder.

by the City Council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the City Council, and shall serve as clerk of the Municipal Court.

When private property is taken, how compensated.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Mayor how tried.

SEC. 44. In case the Mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the Probate Court of Iron County, and on conviction, he shall be liable to a fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Criminal cases.

SEC. 45. The City Council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid; in all cases when such offenders or vagrants shall fail or refuse to pay the fine and forfeitures which may be awarded against them.

Road taxes.

SEC. 46. The inhabitants of the city of Parowan shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of, the supervisor of streets, within the limits of said city.

Approved Feb. 6th, 1851.

CHAPTER XVII.

AN ORDINANCE incorporating the Church of Jesus Christ of Latter Day Saints.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all that portion of the inhabitants of said State, which now are, or hereafter may become residents therein, and which are known and distinguished as "The Church of Jesus Christ of Latter Day Saints," are hereby incorporated, constituted, made and declared a body corporate, with perpetual succession, under the original name and style of "The Church of Jesus Christ of Latter Day Saints," as now organized, with full power and authority to sue and be sued; defend and be defended, in all courts of law or equity in this State; to establish, order, and regulate worship; and hold and occupy real and personal estate, and have and use a seal, which they may alter at pleasure.

Body corporate.

Name & Style.

Seal.

SEC. 2. And be it further ordained, that said body or church as a religious society, may, at a general or special conference elect one "Trustee in Trust," and not to exceed twelve Assistant Trustees, to receive, hold, buy, sell, manage, use and control the real and personal property of said church, which said property shall be free from taxation; which Trustee and Assistant Trustees, when elected or appointed, shall give bonds with approved security, in whatever sum the said conference may deem sufficient, for the faithful performance of their several duties; which said bonds, when approved, shall be filed in the General Church Recorder's office, at the seat of general church business, when said bonds are approved by said conference: and said Trustee and Assistant Trustees shall continue in office during the pleasure of said church: and there shall also be made, by the clerk of the conference of said church, a certificate of such election or appointment of said Trustee and Assistant Trustees, which shall be recorded in the General Church Recorder's office, at the seat of general church business: and when said bonds are filed, and said certificates recorded, said Trustee or Assistant Trustees may receive property, real or personal, by gift, donation, bequest, or in any manner, not incompatible with the principles of righteousness, or the rules of justice;

Powers of Trustee in Trust and Assistants.

Bonds.

Term of office.

Duty of Clerk of Conference.

inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship and instruction, and the well being of said church.

May make rules, &c. SEC. 3. And be it further ordained, that, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience;" to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges, embodied in the religion of Jesus Christ free to all;—it is also declared, that said church does, and shall possess and enjoy continually, the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions, for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment or forgiveness of all offences, relative to fellowship, according to church covenants; that the pursuit of bliss, and the enjoyment of life, in every capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned: provided, however, that each and every act, or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances, support virtue, and increase morality, and are not inconsistent with, or repugnant to the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

Registry. SEC. 4. And be it further ordained, that said church shall keep, at every full organized branch or stake, a registry of marriages, births, and deaths; free for the inspection of all members, and for their benefit.

Vacancies. SEC. 5. And be it further ordained, that the Presidency of said church shall fill all vacancies of the Assistant Trustees, necessary to be filled, until superseded by the conference of said church.

Restriction. SEC. 6. Be it further ordained, that no Assistant Trustee or Trustees shall transact business in relation

to buying, selling, or otherwise disposing of church property; without the consent or approval of the Trust-tree in Trust of said church.

Approved Feb. 8th, 1851.

CHAPTER XVIII.

AN ORDINANCE for the establishment and regulation of Estray pounds.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That the Road Commissioner of each organized county of this State, is hereby authorized to locate an Estray Pound at or near the centre of each precinct in his county, which shall be erected and kept in repair at the expense of the county, for the purpose of securing all unruly or stray animals from damaging grain, grass, or other agricultural productions in such county.

How located.

SEC. 2. The people of each precinct may, at the time of their election, elect a suitable person to be the keeper of such pound, whose duty shall be to receive, brand, and take care of all stray or unruly animals driven to him, and keep a description, together with the several certificates of appraisal and bills of damage and costs upon each animal, and shall be considered the owner thereof, until the rightful owner shall appear, prove property, pay all damages and costs, and take them away; and if no such owner shall appear and prove property within six months, then the avails of such animal or animals shall be paid into the Perpetual Emigrating Fund for the poor.

Keeper
elected. how

SEC. 3. Any horse, mule, ox, cow, or other animal or animals found in mischief within the lawful enclosure of any person or persons, the owner of which is not known and cannot be ascertained by reference to the record of brands or other diligent search, shall be considered a stray animal.

Animals when
deemed estrays.

SEC. 4. In case any such animal is taken up which has so done damage, the person or persons so damaged may have their damages appraised by two or more judicious men, citizens, who shall sign their names to their

Damages.

appraisal which certificate of damage or costs shall be delivered over with such animal or animals into the hands of the estray pound keeper.

Damages. SEC. 5. Any horse, mule, ox, cow, or other animal or animals, which shall throw down or break over any fence into any enclosure which shall be judged by two or more fence-viewers to be in lawful repair, the owner of such animal shall be liable to the person or persons so damaged for all damages sustained, which may be recovered with costs before any justice of the precinct where such damage shall have been done.

**Unruly ani-
mals.** SEC. 6. Any horse, mule, ox, cow, or other animal or animals found in mischief, which has been known and proven to be unruly, and has before broken over or through any lawful fence, and the owner has been duly notified thereof, and neglected or refused to take care of such animal or animals, it shall be the duty of any and every person having a knowledge of the facts, to drive them to the estray pound.

**Unruly animals,
&c., sold.** SEC. 7. Any unruly animal or animals taken up and driven to the estray pound, as specified in the preceding section, shall be forfeited and sold, or disposed of by the pound keeper, to pay the expense of taking up, damages, and costs, and the residue shall be paid into the Perpetual Emigrating Company's Fund semi-annually for the use of the poor.

Notice of sale. SEC. 8. It shall be the duty of the pound keeper in each precinct to give twenty days notice, by publication in a newspaper, or the posting up of bills in three of the most public places in the precinct, previous to making sale of any animal in his possession, forfeited for sale, agreeably to the provisions of this ordinance. He shall keep an accurate account of the same, with the proceeds thereof, together with the amount paid out, on certificates of appraisal of damages and costs, and make report thereof semi-annually to the clerk of the county court, with the amount due the Poor Fund.

Report. SEC. 9. Nothing in this ordinance shall be so construed or understood, as to prevent the just and impartial assessment of damages, or in any wise hinder the real owner from recovering his animal by paying all such just and reasonable charges, excepting such animals as are forfeited, agreeably to the sixth and seventh sections of this ordinance.

Proviso.

Approved Feb. 12th, 1851.

CHAPTER XIX.

AN ORDINANCE relating to Inclosures and Trespass.

SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That all lands, except those that are inclosed or being inclosed, are hereby declared common pasturage, and all peaceable animals shall be free to run at large and graze thereon, except swine.

What is common pasturage.

SEC. 2. All farming lands used for raising grain, grass, or other agricultural purposes, shall be inclosed with a good and lawful fence sufficient to secure the crop therein from the encroachments of all kinds of peaceable animals.

Farming lands.

SEC. 3. All fence, four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable materials; and all fence, of any description whatever, and all brooks, rivers, sloughs, ponds, hedges, or other obstructions, which shall be in the judgment of two or more fence viewers equal thereto, shall be deemed a lawful fence.

Fences, when deemed lawful.

SEC. 4. Any person owning fence, or different individuals owning portions of fence, inclosing fields owned as tenants in common, for farming or other purposes, who shall refuse or neglect to keep in lawful repair such fence or portions of fence, shall pay all damages sustained by any other person in said field, in consequence of such neglect.

Penalties.

SEC. 5. Any person or persons who shall throw down fence, or open bars or gates into any inclosure other than their own, or into any field owned by joint occupancy, and leave the same open, thereby exposing the crops or property of others, shall be deemed guilty of a trespass, and on conviction thereof, shall pay a fine of not less than five dollars, and all damages thereby sustained.

Trespass.

SEC. 6. Each precinct in this State shall, at the time of election, elect two or more fence viewers, whose term of office shall be the same as a justice of the peace, whose duty it shall be to examine and decide upon the legality of all fence in their respective precincts, when called upon, and see that the above law is faithfully executed.

Fence viewers, how elected.

Duties.

Approved Feb. 12th, 1851.

CHAPTER XX.

AN ORDINANCE regulating the Manufacturing and Vending of Ardent Spirits.

Prohibition. SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That it shall not be lawful for any person or persons in this State, to establish any distillery or distilleries for the manufacture of ardent spirits, except as hereafter provided for; and any person or persons who shall violate this ordinance, on conviction thereof, shall forfeit all property thus invested to the State, and be liable to a fine at the discretion of the court having jurisdiction.

Governor may grant license. SEC. 2. Be it further ordained: That when the Governor shall deem it expedient to have ardent spirits manufactured within this State, he may grant a license to some person or persons, to make and vend the same, and impose such restrictions thereon as he may deem requisite.

Approved Feb. 12, 1851.

CHAPTER XXI.

AN ORDINANCE in reference to Vagrants.

Who a vagrant. SEC. 1. Be it ordained by the General Assembly of the State of Deseret: That any person residing within the limits of this State, who has no visible means of support, shall be deemed a vagrant.

Vagrants to be apprehended. SEC. 2. Be it further ordained, that upon complaint on oath being made and filed with any justice of the peace, that there is within the county wherein such justice resides, any person who is engaged in no useful employment, and has apparently no manner of support, it shall be the duty of such justice forthwith to issue a warrant, to bring such delinquent before him.

Defendant to answer complaint. SEC. 3. Be it further ordained, that upon the return of such warrant, with the defendant therein named, in court, said complaint shall be distinctly read to such defendant, when he shall be required to answer the same

on oath; and the justice shall enquire into the truth of such complaint in a summary manner.

SEC. 4. Be it further ordained, that if the justice find on such investigation that such complaint be true, he shall record the same in his docket, and thereupon enter judgment, declaring such delinquent a vagrant. When declared a vagrant.

SEC. 5. Be it further ordained, that any person convicted as aforesaid, shall be compelled to labor on the public works a sufficient length of time to pay the cost of prosecution; provided, the same be not less than twenty days. Vagrants to work out the costs.

SEC. 6. And be it further ordained, that it shall be the duty of every officer of State, in this State, to report to the magistrate of their respective precincts, any person whom they may have good reason to suspect as being a vagrant under this ordinance. Duty in regard to suspected vagrants.

SEC. 7. The foregoing ordinance shall apply to all loafers who hang about the corners of streets, court houses, or any other public place, who have no business, whether they have property or not. Loafers considered vagrants.

Approved Feb. 12, 1851.

NUMBER I.

A RESOLUTION concerning the Washington Monument.

Be it resolved by the General Assembly of the State of Deseret: That the Governor is hereby authorized and requested to procure a block of marble from the best specimens of stone that he shall be able to find in the State, for a contribution to the Washington Monument, now in progress of erection in Washington City; and also that he cause the same to be suitably sculptured, and forwarded to the Washington Monument Committee, as soon as practicable. Governor authorized to procure block and have it sculptured.

And be it further resolved, that any and all expense incurred by reason of the above resolution shall be defrayed out of the public treasury, and the Governor is hereby authorized to draw on the Treasurer for the same. Expense.

Approved February 12th, 1851.

AN ACT TO ESTABLISH A
TERRITORIAL GOVERNMENT
FOR UTAH.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That all that part of the Territory of the United States included within the following limits, to wit: bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, be, and the same is hereby created into a temporary government by the name of the Territory of Utah; and when admitted as a State, the said Territory or any portion of the same, shall be received into the Union, with or without slavery, as their Constitution may prescribe at the time of their admission: Provided, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

Boundary of
Utah Territory
defined.

Provided.

SEC. 2. And be it further enacted: That the Executive power and authority in and over said Territory of Utah, shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be

Executive power
vested in a
Governor; his
duties defined.

appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory, shall be Commander-in-Chief of the Militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs, and shall approve all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Secretary; his duties defined.

SEC. 3. And be it further enacted: That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department: he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time, two copies of the laws to the Speaker of the House of Representatives, and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

To act as Governor in certain contingencies.

Legislative power; how vested. Legislative Assembly to consist of a Council and House of Representatives. Council to consist of 13 members, and House of 26.

SEC. 4. And be it further enacted: That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one

year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and House of Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said Council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected having the highest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be duly elected members of the House of Representatives: Previous to the first election census to be taken. Provided, that in case of a tie between two or more persons voted for, the Governor shall order a new election to supply the vacancy made by such a tie. And the persons thus elected to the Legislative Assembly shall meet at such place, and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: Elections; how conducted. Provided, that no one session shall exceed Proviso. the term of forty days. Further proviso

SEC. 5. And be it further enacted: That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled Qualifications of voters.

Proviso.

to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: Provided, that the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognised as citizens by the treaty with the Republic of Mexico, concluded February second, eighteen hundred and forty-eight.

Legislative power of the Territory defined.

SEC. 6. And be it further enacted: That the Legislative power of said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

How township, district, and county officers are to be appointed.

SEC. 7. And be it further enacted: That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Utah. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary districts for members of the Council and House of Representatives, and all other offices.

No member of Legislative Assembly to hold any office created while he was a member, during his term of election, or for one year thereafter. Officers of U. S., except postmasters, not to be members of Assembly.

SEC. 8. And be it further enacted: That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. And be it further enacted: That the judicial power of said Territorial shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such time and place as may be prescribed by law; and the judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: Provided, that justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decision of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars, except only, that in all cases involving title to slaves, the

The judicial power, in whom vested, and how to be exercised.

District courts.

Jurisdiction of courts and justices of the peace, etc.

Proviso.

Clerk.

Writs of error and appeals shall be allowed, &c.

Exceptions.

said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal, shall also be allowed to the Supreme Court of the United States, from the decisions of the said supreme court created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the district of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeal, in all such cases, shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Oregon Territory now receive for similar services.

Fees of Clerk.

Attorney and
Marshal, their
fees and duties.

SEC. 10. And be it further enacted: That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Oregon; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 11. And be it further enacted, That the governor, secretary, chief justice and associate justices, at-

torney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned or qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of indian affairs. The Chief Justice and Associate Justices shall each receive an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarterly, at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for twenty miles' travel, in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor to defray the contingent expenses of the Territory. There shall also be appropriated annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Sec-

Governor, secretary, chief justice, and associate justice, attorney, and marshal; how to be appointed.

Salary of Governor.

Salary of chief justice and associate justices. Salary of secretary.

Compensation of members of the Legislative Assembly.

Contingent expenses provided for.

retary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Legislative Assembly to hold its sessions as directed by the Governor.

SEC. 12. And be it further enacted, That the Legislative Assembly of the Territory of Utah shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Utah to be applied by the Governor and Legislative Assembly to the erection of suitable public buildings at the seat of government.

A delegate to be elected to the Congress of the U. S.

SEC. 13. And be it further enacted, That a Delegate to the House of Representatives of the United States to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly: Provided, That said delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.

Proviso.

Appropriation for the purchase of a library.

SEC. 14. And be it further enacted, That the sum of five thousand dollars be, and the same is hereby, appropriated out of any monies in the treasury not otherwise appropriated, to be expended by, and under the

direction of the said Governor of the Territory of Utah, in the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal, and Attorney of said Territory, and such other persons, and under such regulations as shall be prescribed by law.

SEC. 15. And be it further enacted, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Lands to be surveyed, how to be disposed of.

SEC. 16. And be it further enacted, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding Courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the Courts, as to them shall seem proper and convenient.

Judicial district—how defined.

SEC. 17. And be it further enacted, That the Constitution and laws of the United States, are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be applicable.

The Constitution and laws of the U. S. to extend over the Territory of Utah.

Approved September 9, 1850.

TERRITORIAL LAWS OF UTAH.

CHAPTER I.

AN ACT in relation to the Judiciary.

Jurisdiction & powers of district courts. SEC. 1. Be it enacted by the Governor and the Legislative Assembly of the Territory of Utah, That the District Courts shall exercise original jurisdiction, both in civil and criminal cases, when not otherwise provided by law. They shall also have a general supervision over all inferior Courts, to prevent and correct abuses where no other remedy is provided.

Sheriff, &c., to attend session of courts.

SEC. 2. The Sheriff of the county, wherein the Court is held, together with all necessary assistants must attend upon the sessions of the Court, if required.

Record of the court to be kept.

SEC. 3. The clerk of each district or county, shall keep a record of the proceedings of the Court under the direction of the Judge. He shall, from time to time, read over all entries therein in open court, which, when correct, shall be signed by the Judge. Entries made in vacation shall be read and approved at the next term of the Court, and may be amended, or any entries therein expunged at any time during the term of the Court at which it is made, or before it is signed by the Judge as aforesaid; but entries made, approved, and signed by the Judge, cannot be altered only to correct an evident mistake.

Judges to report to legislature.

SEC. 4. The Judges of the District Courts, respectively, shall report to the Legislature at each regular session thereof, all omissions, discrepancies, or other evident imperfections of the law which have fallen under their observation.

Decisions &c., to be filed with the clerk of court.

SEC. 5. The Judges of the Court may report their own decisions, or they may appoint a reporter who shall hold his office at the pleasure of the Court, and all decisions or opinions, and all questions received on appeal, as well as motions, collateral questions, and points

of practice, as they may think of sufficient importance, shall be reduced to writing and filed with the Clerk of the Court.

SEC. 6. Each of the clerks must keep a complete register of all proceedings of the Court with an index to the same; and generally, they must perform all the other duties ordinarily pertaining to their offices.

Clerk to keep a register.

SEC. 7. The said Courts may adopt all such rules as they may deem expedient, consistent with the law, the prime object of which shall be to carry out the purposes of the statutes, and to subserve the ends of justice, dispensing with all needless forms, and disregarding and abridging all technical pleadings with a view to the attainment of justice: all technical forms of actions and pleadings are hereby abolished.

Court may adopt rules.

Technicalities abolished.

SEC. 8. Any pleading which possesses the following requisites shall be deemed sufficient. First, when to the common understanding it conveys a reasonable certainty of meaning. Second, when by a fair and natural construction, it shows a substantial cause of action or defence. If defective in the first above particulars, the Court shall direct a more specific statement. If in the latter, it is ground for demurrer; demurrers for formal defects are abolished, those for substantial defects must set forth the true ground of objection to the pleading demurred to, upon the determination of any demurrer, the party failing, may amend, or plead upon such terms as the Court deems just, or as it may by general rule prescribe.

What pleadings shall be deemed sufficient.

Demurrer.

SEC. 9. Immaterial variances, errors, or defects, may be disregarded, or the Court may direct an amendment with, or without costs. No variance, error, or defect shall be deemed material, unless the Court is satisfied that the objecting party will be prejudiced by disregarding it, or by allowing it to be amended. The Court may allow material amendments at any stage of the proceedings upon such terms, and subject to such rules as it may prescribe. If an original pleading or paper be lost, or withheld by any person, the Court may authorize a copy thereof to be filed and used instead of the original.

Amendment.

A copy of a lost paper may be used instead of the original.

SEC. 10. By the consent of the Court and the parties, any person may be selected to act as Judge for the trial of any particular cause or question; and while thus acting he shall possess all the powers of the District Judge in the case.

By consent any person may act as judge.

- Nonsuit.** SEC. 11. The plaintiff cannot take a non-suit without the consent of the defendant, after the latter has claimed a set-off; but he may dismiss his cause of action, leaving the defendant to proceed on his set off in the capacity of plaintiff; either may withdraw his claim at any time before the jury retire but not after.
- Dismissal.**
- Withdrawal of claim.**
- Costs.** SEC. 12. Costs may be apportioned to either party, or apportioned between them, as shall be deemed equitable by the Court.
- Memorandum relative to judgment.** SEC. 13. When a judgment is set aside or satisfied by execution or otherwise, the Clerk shall enter a memorandum thereof in the column left for that purpose, in the judgment docket.
- Parties may present an agreed statement.** SEC. 14. Parties to a question in difference which might be the subject of a civil action, may present an agreed statement of the facts thereof, to any Court having jurisdiction of the subject matter.
- Affidavit that the subject matter is real.** SEC. 15. It must be shown by affidavit, that the subject matter is real, and that the proceeding is in good faith to determine the rights of the parties thereto.
- Validity of the judgment.** SEC. 16. The Court must thereupon hear and determine the case, and the judgment rendered thereon will be the same in all respects as though suit had been brought in the regular manner, and will be followed by the same consequences.
- To be public.** SEC. 17. All judicial proceedings must be public unless otherwise specially provided by statute, or otherwise agreed upon by the parties.
- Interest, &c., no disqualification of the judge.** SEC. 18. The Judge or Justice shall not be disqualified in consequence of interest, consanguinity, or otherwise, unless objected to previous to the parties joining issue, and introducing testimony.
- Contempts &c. may be punished by fine or imprisonment.** SEC. 19. The Court shall have power to punish by fine, or imprisonment, or both, at their discretion, for contempts, or any wilful disturbing, calculated to interrupt the due course of its official proceedings, or which may tend to impair the respect due to its authority.
- Public buildings exempt from execution.** SEC. 20. Public buildings owned by the Territory or any county, city school district, ward, university, or religious society, and burying grounds, are exempt from execution.
- Exempt from execution.** SEC. 21. The following property of individuals is also exempt from execution: all wearing apparel kept for actual use and suitable to the condition of the party, and trunks and other receptacles to contain the same; one musket, or rifle, and accoutrements, and ammu-

nition required for one hundred charges of loading; the proper tools, instruments, or books, of any farmer, mechanic, surveyor, physician, teacher, or professor; the horse or team, and wagon, or other vehicle with the proper harness or tackle by the use of which any physician, public officer, farmer, teamster, or other laborer habitually earns his living; all libraries, family books, portraits and paintings, any interest owned by the debtor or his parents, in one house of public worship, school house or burying ground. If the debtor is head of a family, there is a further exempt from execution; one cow and calf for every three persons in the family; one horse; fifty sheep and the wool therefrom; five hogs and all pigs under six months old; the necessary food for all animals, for sixty days; all flax raised by the defendant, and the manufactures therefrom; one bedstead and the necessary bed and bedding for every two in the family; all cloth manufactured in the family of the defendant, or by the defendant; household and kitchen furniture not exceeding one hundred dollars in value; all spinning wheels, and looms, and other instruments of domestic labor, kept for actual use; and the necessary provisions and fuel for the use of the family for six months; said term family does not include strangers or boarders. The earnings of such debtor for his personal services, or those of his family at any time within ninety days next preceding the levy, are also exempt from execution or attachment.

SEC. 22. None of the exemptions herein made are intended for the benefit of non-residents; but their property is liable to execution, with the exception of the ordinary wearing apparel; but any person coming within the Territory with the intention of remaining, is a resident within the meaning of this act, and nothing herein shall be so construed as to exempt the property of any transient person, or persons about to depart from the Territory or county, with the intention of removing their effects therefrom.

Exemptions not intended for non-residents or those who are about to depart.

SEC. 23. There shall be a Judge of Probate in each county within the Territory, whose jurisdiction within his Court in all cases, arises within their respective counties under the laws of the Territory; said Judge shall be elected by the joint vote of the Legislative Assembly, and commissioned by the Governor; they shall hold their offices for the term of four years, and until

Judge of Probate in each county elected by the assembly.

their successors are elected and qualified. They shall be qualified and sworn by any person authorized to administer oaths, and give bonds and security in the sum of not less than ten thousand dollars, to be approved by the clerk of the District court or the Judge thereof, and filed in his office.

Governor may fill vacancy.

SEC. 24. In case of a vacancy occurring in the office of the Judge of Probate, the Governor may appoint and fill such vacancy until the next succeeding Legislative Assembly, or some subsequent one, shall elect one; said Judge of Probate so appointed shall qualify and give bond as above provided.

Regular sessions.

SEC. 25. The Probate court shall be considered in law as always open; but the Judge shall hold regular sessions on the second Mondays of March, June, September and December of each year, and shall continue at each session one week, or until the business ready for trial shall be disposed of.

Times of holding sessions may be altered in certain cases.

SEC. 26. When the District court is to sit in a county on any of the days appointed in the preceding section for the sessions of the Probate court, the latter shall be held on the Monday preceding, and when the Judge is required by law to perform any duty which takes him from the county, on one of the appointed days, the session of the court shall be holden on the following Monday, or such day as the Judge may appoint.

Jurisdiction of the Judge of Probate.

SEC. 27. The Judge of Probate has jurisdiction of the Probate of Wills, the administration of the estates of deceased persons, and of the guardianship of minors, idiots and insane persons.

Probate records.

SEC. 28. The Probate records shall be kept in books separate from those of the other business of the court.

Powers of the probate courts.

SEC. 29. The several Probate courts in their respective counties, have power to exercise original jurisdiction both civil and criminal, and as well in Chancery as at Common law, when not prohibited by legislative enactment; and they shall be governed in all respects by the same general rules and regulations as regards practice as the District courts.

Appeals.

SEC. 30. Appeals are allowed from all decrees or decisions of the Probate to the District courts, except when otherwise expressed on the merit of any matter affecting the rights or interests of individuals, the appeal shall be taken within thirty days from the day on which

the decision was made, and shall be taken by claiming the appeal and filing, in the clerk of the Probate court's office, a bond with one or more sureties and a penal sum to be approved by the Probate Judge or Clerk; said bond shall be conditioned, that said appellant will prosecute the appeal with effect; that if the appeal be dismissed or the judgment below affirmed, he will comply with the judgment, and orders made by the court below, and that he will pay all costs, and sums of money that may be adjudged against him in the court appealed to, and will comply with the orders of that court, the appeal shall be taken to the next term of the District court in the county, or next nearest county, where the same shall be holden, if there be ten days between the day when the judgment was rendered, and the day of the sitting of the District court.

Conditions of the appeals.

SEC. 31. Within twenty days from the day of the appeal, and within five days in the case mentioned in the last paragraph of the preceding section, the Clerk of the Probate Court is required to file a transcript of the proceedings in the matter in which the appeal is taken, authenticated by the seal of the Probate Court with the Clerk of the District Court, who shall enter the same among the cases pending in that Court. Transcripts of the records and copies of the papers pertaining to the Probate Court, may be certified and signed by either the Clerk or the Judge.

Time in which the transcript of the proceedings must be filed.

SEC. 32. The Probate Judges in their respective counties shall appoint a Clerk, who shall keep his office at the county seat, and who shall attend all sessions of the Probate Court, as also sessions of the County Court, for the transaction of county business. It shall be the duty of the Clerk of the Probate Court to keep a true and faithful record of all the proceedings in the Probate Court in session, entering distinctly each step in the progress of any proceedings; but such record shall be equally valid if made by the Judge.

Clerk to keep a full record.

SEC. 33. The Clerks of the District Courts and of the Probate Courts respectively, are hereby required to report to the Secretary of the Territory, on or before the first Monday of November of each year, the number of convictions for all crime and misdemeanors, in their respective courts, for the year preceding such report, shall show the character of the offence, and the sentence of punishment, the occupation of the convict,

Clerks of District and Probate to report annually to the Secretary of the Territory.

whether he can read or write, and his general habits, and also the expenses of the county for criminal prosecution during the year, including but distinguishing the compensation of the prosecuting attorney. The Clerks aforesaid shall also forward to the Secretary copies of all reports made of decisions and opinions, which shall be reported or filed in his office.

County Court. Sec. 34. The Probate Judge, in connection with the select men, is hereby invested with the usual powers and jurisdiction of county commissioners, and with such other powers and jurisdiction as are conferred by law, and in this connection they shall be known as the County Court. The clerk of the Probate Court shall be the clerk of this court, shall keep his office at the county seat, and shall attend himself, or deputy, all sessions of the court, keep the records, papers, and seal of the court. The office of the County Court is to be kept open for business at all usual times.

Duties of County Court. Sec. 35. This court is authorized and required to take the management of all county business, and the care and custody of all the county property, except such as is by it placed in the custody of another, and shall have the control of all books, papers, and instruments pertaining to their office; said court shall audit all claims against the county; draw and seal with the county seal all warrants or orders on the Treasurer for money to be paid out of the County Treasury; shall audit and settle the accounts of the Treasurer, and those of any other collector or receiver of county revenue, taxes, or incomes payable into the County Treasury, and those of any person entrusted to expend any money of the county, and to require them to render their accounts as directed by law.

County book. Sec. 36. Said court shall keep a book to be known as the county book, in which shall be recorded all orders and decisions made by them, except those relating to roads and probate affairs, and in which orders for the allowance of money from the County Treasury shall state on what account, and to whom the allowance is made, dating and numbering the drawing on the Treasury each order, and said court are to superintend the fiscal affairs of the county, and secure their management in the best possible manner.

Book for roads. Sec. 37. The County Court shall also keep a separate book for the entries of all proceedings and adjudi-

cations to the establishment, change, or discontinuance of roads; and also separate books for probate business. They shall keep an account of the receipts and expenditures of the county, and on the first Monday of May annually, cause a minute statement of them for the preceding year to be made, with an account of all debts payable to, and by the county, and the assets of the county; have a copy of the same posted up, one at the county seat, at the usual place of holding courts, and at each of two other public places in the county; and shall cause the original to be filed in their office.

Book on probate business.

County receipts and expenditures.

SEC. 38. The County Court has the control of all timber; water privileges, or any water course or creek; to grant mill sites, and exercise such powers as in their judgment shall best preserve the timber, and subserve the interest of the settlements, in the distribution of water for irrigation, or other purposes. All grants or rights held under Legislative authority shall not be interfered with.

County court has control of timber, &c.

SEC. 39. The Judge of Probate, in connection with any two of the select men, shall constitute a quorum to do business; and the select men may transact business separately throughout the county, relating to the poor, insane, orphans, minors, or other important business, requiring immediate attention; business so transacted shall be reported at their next subsequent session, and approved by the court before becoming a matter of record. The select men may also hold session in the absence of the Judge of Probate.

Quorum.

SEC. 40. The County Court shall district their respective counties into road districts, precincts, school districts, or such other sub-divisions as may become necessary or proper; locate sites for public buildings, and erect the same; select grand and petit jurors for their respective counties, and generally do and perform all such duties, as shall be required by the nature of their office, and as shall be required by law.

Precincts, &c.

Select jurors.

SEC. 41. The sessions of the County Courts shall be held quarterly, on the first Monday in March, June, September, and December in each year, and oftener if they deem it necessary.

Four sessions annually.

SEC. 42. Whenever it shall become necessary to extend the credit of the county for the purpose of erecting public buildings, building bridges, and working roads,

How funds may
be raised.

which may call for any extraordinary expenditure, the County Court may submit the question to the people for their decision by fairly and explicitly stating the question, the amount of funds proposed to be raised, and the manner of raising them, whether by tax or otherwise; said question when thus submitted, shall be voted upon by the people of the county at some regular election, previous notice having been given in regard to said question in the same manner as required in giving notice of elections; and the decision of the people shall be the law, so far as regards that particular question. If there should be an excess of funds thus raised for any particular purpose, the surplus may be paid into the County Treasury for county purposes.

Conservators of
the peace.

SEC. 43. The Judges of the District and Probate Courts shall be conservators of the peace in their respective districts and counties throughout the Territory, and it is their duty to use all diligence and influence in their power to prevent litigation.

Arbitrators.

Report of de-
cisions.

SEC. 44. Any matter involving litigation may be referred to arbitrators or referees, who may be chosen by the parties, or selected by the court, as the parties shall elect; all such arbitrators have authority to subpoena witnesses, administer oaths or affirmations, and issue process as the court. And when they shall have made their decision, shall report the case, if necessary to enforce the same, to the clerk of the county in which the case has arisen, or when the case has not arisen in any court, to the clerk of the Probate Court; and it shall be the duty of the clerk in whose office any such decision has been filed, to make a record thereof, and proceed in the same manner, as if the case had been prosecuted and decided in the usual manner.

Supervisors.

Poll Tax.

SEC. 45. The select men shall appoint a Supervisor or Supervisors for their respective counties, who, under their directions shall collect and apply the poll tax in their respective districts, and make return to the select men, on or before the first day of February annually.

Duties of super-
visors, &c.

SEC. 46. Select men and Supervisors shall be governed in the discharge of their duties as prescribed for county commissioners and supervisors (so far as the same shall be applicable) in an ordinance in relation to road tax and supervisors.

Approved February 4, 1852.

CHAPTER II.

AN ACT in relation to Justices of the Peace.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That each Precinct in this Territory shall elect one Justice of the Peace, and one Constable, and the same may be increased in any Precinct by the County court, whenever they shall deem that the public good requires it.

One justice & one constable in each district.

SEC. 2. Each Justice of the Peace shall take an oath of office and give bond with approved securities, in the sum of one thousand dollars, which bond shall be approved by the County court, and filed in the clerk's office; said Justices and Constables shall hold their offices for the term of two years, and until their successors are elected and qualified, and they shall be commissioned by the Governor.

Justices to give bonds of \$1000.

Term of office two years.

Commissioned by the Gov.

SEC. 3. It shall be the duty of every Justice of the Peace to examine strictly and faithfully into the merits and demerits of all civil and criminal cases which may come before him, and execute justice without respect to persons, or favor, or the technicalities of the law, preserve the public peace; sit in judgment in all cases referred to him, and keep a true record of all proceedings laid before him, and in case of appeal, transmit a copy of the same to the Clerk of the Court to which the appeal is made within five days from the time the appeal is taken.

Duties of the justice of the peace.

SEC. 4. Justices of the Peace have jurisdiction over all cases where the amount in controversy does not exceed one hundred dollars; and when the amount claimed exceeds that sum, but by fair credits may be reduced to that amount, justices may decide cases without process; but if it shall become necessary to enforce such decisions, they shall enter such cases so decided, upon their dockets, and proceed as in other cases. Justices of the Peace in their respective counties, have jurisdiction of, and may try, hear, and determine public offences, where the punishment imposed by law, does not exceed one hundred dollars fine, or imprisonment does not exceed six months, or when the punishment is by both such fine and imprisonment.

Jurisdiction of justices of the peace.

SEC. 5. Criminal actions for the commission of public offences may be commenced before a Justice of the

Criminal actions may be commenced before a justice.

Peace, by information, subscribed and sworn to, and filed with the Justice; the Justice must file such information and note the time of filing.

Justice may issue warrant to be served any where within the Territory.

SEC. 6. Immediately upon the filing of such information, the Justice may in his discretion issue his warrant, directed to any Sheriff, Constable, or peace officer, for the arrest of the defendant, and such warrant may be served in any county or district within the Territory.

Criminal to be brought before the justice who issues the warrant.

SEC. 7. The officer who receives the warrant must serve the same by arresting the defendant if in his power, and bringing him without unnecessary delay, before the Justice who issued the same.

Jury of six men.

SEC. 8. If the defendant do not demand a trial by jury, the Magistrate must proceed to try the issue; in case a jury be demanded, the Justice shall cause a jury of six men having the qualifications of jurors, inhabitants of the county to be empannelled, who being duly sworn or affirmed, shall constitute the jury. No challenge to the panel is allowed; but the prosecutor and defendant may each challenge for cause; and the defendant may be allowed the pre-emptory challenge of three jurors: a further number of jurors shall be summoned to fill up, as the jury shall be exhausted by challenges.

Judgment may be fine or imprisonment, or both.

SEC. 9. The verdict of the jury shall be entered upon the Magistrate's docket, and the Magistrate must render judgment thereon of fine, or imprisonment, or both as the case may require; and when a fine is assessed, the Justice may direct that the defendant be also imprisoned until the fine is satisfied: Provided, that the Magistrate may hire out said defendant to service until the fine is paid. If the defendant be acquitted by either the Justice or jury, he must be immediately discharged.

Justice to make out certificate.

SEC. 10. Within twenty days after any such conviction, the Justice shall make out a certificate in which he shall briefly state the offence charged, the conviction and judgment thereon, and if any fine has been collected, the amount thereof, and file the same in the Judge of Probate's office. All fines collected either by Justice, Sheriff, Constable or other officer; shall be paid into the the county treasury within ninety days after the same have been collected.

Fines to be paid into the county treasury.

SEC. 11. Upon the affidavit being filed, in which the alleged error of the proceedings are stated, and that

the affiant verily believes injustice has been done, the Justice shall grant an appeal to the Court of Probate of the county, and shall take a written undertaking from the defendant, with two or more sureties, and shall cause all material witnesses to enter into recognizance, to appear at the time and place of trial, and return all such papers together with a certified copy of entries on his docket, on or before the first term of the Probate Court next to be holden, which return and papers shall be filed in the Clerk's office of the Probate Court.

Proceedings in case of an appeal.

SEC. 12. It shall be the duty of the Probate Court, to hear and determine the said appeal in the same manner as an issue of fact upon an indictment.

Proceedings of the Probate court on appeal.

SEC. 13. The jurisdiction of Justices extends to the limits of their respective counties, and within that limit, it extends to all civil cases (except where the question of title to, and boundaries of land may arise) when the amount in controversy does not exceed one hundred dollars, and by the wish and consent of parties may be extended to any amount: Provided, That where the amount in controversy exceeds one hundred dollars, the Justice shall have the same powers as other Courts of arbitration, and shall have power to enforce his decision thereon, which decision shall be an end of controversy; but all suits shall be brought in the precinct where the defendant resides: Provided, if payment is agreed to be made in any particular place, the suit may be brought in that place if within the county; and, Provided also, if the defendant does not reside in the Territory nor county, suit may be commenced in any place in this Territory, wherever he may be found.

Jurisdiction of justices extends throughout their respective counties.

Justice may act as a court of arbitration

Where suits must commence.

SEC. 14. The parties in any action before a Justice of the Peace shall combine all their demands, which are of a nature to be consolidated in one action, or defence; and for a failure so to do shall forfeit the right of any remedy at law for their recovery; and the defendant may at any time pay the demand against him, and cost, thus far accrued, either to the Justice or officer having the process, whereupon proceedings shall cease.

Parties to combine all their demands or forfeit them.

How proceedings may cease.

SEC. 15. Before any party before a Justice is entitled to a jury, the party demanding the jury shall deposit the fees, to which they will be entitled; and the same shall be included in the judgment as part of the costs to be received if adjudged against the party who did not advance them.

Fees of the Jury.

Transmission
of records, &c.

SEC. 16. All records, dockets, and papers pertaining to the office of any Justice of the Peace, must be transmitted to his successor in office; and such successor may issue execution, and act in any case so transmitted, the same as if the case had been commenced before him; and in case of any disability or necessary absence of the Justice at the time fixed for trial or proceeding, any other Justice of the Precinct may at his request, attend and transact the business for him without any transfer of the business to another office.

Business may
be transferred,
&c.

Justice may ap-
point any per-
son to act as
constable when
necessary.

SEC. 17. The Justice may in writing, depute any discreet person to act as constable, when no constable is at hand, and the nature of the business shall require immediate attention.

Justice may act
as coroner.

SEC. 18. Any Justice of the Peace may officiate as coroner when occasion may require, by holding inquest upon the bodies of such persons as may be found dead, or may have died suddenly, or by violence, or in any manner that may create suspicion of crime; it shall be his duty to take in writing the evidences that may be adduced in such cases, also his own decision thereon, the names of several persons present at the investigation, and file the same in the clerk of Probate's office; and he shall have authority to summon to his assistance, such persons as he may deem necessary to hold such inquest, and dispose of, or inter said body as he shall think proper.

Vexatious law-
suits, how dis-
posed of.

SEC. 19. It shall be the duty of each and every Justice of the Peace, to punish by fine, not exceeding one hundred dollars, at his discretion, any person or persons who shall bring before him a vexatious lawsuit through malice, or private pique, against the defendant, all fines so collected shall be paid into the county treasury.

Approved Feb. 4, 1852.

CHAPTER III.

ACT regulating the mode of procedure in civil cases in the Courts of the Territory of Utah.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That all the

courts of this Territory shall have law and equity jurisdiction in civil cases, and the mode of procedure shall be uniform in said courts. Jurisdiction.

SEC. 2. Any persons seeking redress, shall make his complaint in writing, and under oath, before the justice or judge of the proper court. Complaint.

SEC. 3. When a complaint is filed, the court shall issue to the defendant, a notice containing a copy of the complaint, and the time and place for the investigation thereof. Notice of complaint.

SEC. 4. The notice, or any process required before trial, may be served by the party, or agent, by reading the same to the person to whom directed, or by leaving a certified copy thereof at his usual place of abode; and certification of the time and manner of such service shall be made to the court, on or before the day of trial, under oath and in writing, signed by the party serving. Service of notice and proof.

SEC. 5. At the time named for trial, if either or both parties be absent, or if present, either party, having used due diligence, is not ready for trial, the court may adjourn the case, or proceed, as justice shall require; and no demands of either party, that have arisen after the date of the complaint, shall be admitted in the trial. Court may adjourn. Demands arising after complaint.

SEC. 6. The defendant shall file his answer in writing, and under oath, at the time of trial, unless, by order of the justice, or judge, he has previously so filed it; the plaintiff shall then introduce his evidence, which shall be followed by that of the defendant; and thus alternately until all the evidence is introduced, and either party may then be required to give his testimony in the case: when the evidence is closed, the plaintiff may make such applicable remarks as he deems proper, to be followed by the defendant with the same privilege, whereupon the court shall render judgment as soon as practicable. Answer. Order of evidence. Remarks of parties, and judgment.

SEC. 7. When judgment is rendered, and the party in fault refuses or neglects to comply, upon request, or of its own will, the court shall issue an order to the proper officer, requiring him to enforce the judgment. Court to enforce judgment.

SEC. 8. The officer shall execute the order without unnecessary delay, and make return of his proceedings at the earliest possible date. Officer to enforce orders.

SEC. 9. Every court shall preserve its papers, and shall keep records of its proceedings, which shall be Court to keep records &c.

subject to the inspection of any interested person or court; and upon requirement, such party shall be furnished a certified copy of any part thereof, which shall be evidence of the matter set forth therein.

Where trials are to be held. SEC. 10. All trials shall be had in the county where the cause of action originated where the defendant resides, if a citizen of the Territory; otherwise where the plaintiff may prefer: Provided, it may be tried in any place where the parties may agree.

Jury. SEC. 11. Previous to trial, when the sum in question exceeds twenty dollars, if either party request a jury, the court shall issue an order to the proper officer, requiring him to summon for that purpose, not less than three, nor more than twelve judicious persons, and residents of the county.

Challenge of jurors. SEC. 12. Previous to swearing the persons summoned to serve as jurors, each party may alternately object for cause, and may alternately each reject one third of the whole; and in objecting or rejecting, the persons summoned shall be taken one by one, and if any place is vacated it shall be filled forthwith.

Oath to jurors. SEC. 13. When the persons for jurors are selected, they shall be sworn to give a just verdict, and to have no communication about the case in trial with any but the court or a fellow juror, until they have agreed upon their answer, which must be done with diligence, and may be given when two thirds of their number concur.

Non-resident or abscondent debtor. SEC. 14. When complaint is made, and substantiated, against a non-resident or abscondent debtor, and the plaintiff has given the requisite security, the Court shall issue an order to the proper officer to take his property, or sufficient thereof to liquidate the debt and costs: and appoint three competent persons who shall proceed forthwith under oath to appraise the property: **Property taken and appraised.** whereupon the court shall advertise its order in one newspaper printed in this Territory, and send a copy thereof to the defendant, if his residence is known, or presumed, and shall offer the property to the plaintiff **Order shall be advertised.** for his acceptance, and if refused shall proceed to sell the same at public or private sale for money, at not less than three fourths its appraised value, and pay the demands, and deposit any surplus into the county treasury to the credit of the defendant; and such defendant **Property offered to plaintiff.** may be heard in the matter at any period within seven years. **Defendant may be heard.**

SEC. 15. Upon complaint that the defendant is a transient person, or about to remove his property from the Territory, or is disposing of his property to defraud, or secreting himself or property, and is indebted to the plaintiff, the Court may issue an order requiring the proper officer to take into his custody such portion of his property as will satisfy the demand and costs, and hold the same subject to the order of the Court.

Property of transient and fraudulent persons to be seized.

SEC. 16. Depositions may be taken and used in evidence, when the circumstances require it: provided, when there is an opposite party, he is seasonably notified of the person, time and place.

Depositions.

SEC. 17. The Court of its own will, or at the request of either party, may require proper bail for the appearance of person, or for the security, or forthcoming of property, and in cases of appeal.

Bail.

SEC. 18. When property taken by virtue of an order of a Court, is to be sold at auction, the officer in charge shall give notice of the time and place of sale, and a summary of the kind of property, allowing the intervention of a reasonable length of time.

Notice of sale.

SEC. 19. Every person required to execute the order of a Court shall proceed therein with diligence, and make return without delay.

Orders to be executed with diligence.

SEC. 20. All persons over eighteen years of age, (excepting insane persons, and idiots) whether male or female, may sue or be sued in the Courts of this Territory.

Who may sue.

SEC. 21. Any Court having jurisdiction of the matter of grievance, may appoint a temporary guardian to prosecute or defend for a person under eighteen years of age, an insane person, or idiot.

Guardians.

SEC. 22. If a defendant has reasonable objection to the Court, he shall make it known without delay, after receiving notification, and if found good, upon agreement of the parties and Court, another person may be substituted with full power to try that case, or the case shall be removed forthwith to another court.

Objections to the Court.

SEC. 23. When ordered by a Court, an officer shall take any and every description of property wherever it can be found, and shall search for any and every description of property that is concealed.

Officer to take property.

SEC. 24. Every Court is empowered to enforce its orders, and to punish by a reasonable preventive amount of fine, when the circumstances obviously re-

Court to enforce orders.

quire it, and all such fines shall be paid into the county treasury.

Appeals.

SEC. 25. An appeal from the decision of a Justice's Court may be taken when the sum in question exceeds twenty dollars; and from the Probate and District Courts for any sum exceeding fifty dollars; and the Court may require the costs paid, and security given that the final judgment shall be complied with, and the appeal prosecuted with diligence.

Justices of the Peace & Judges of Probate.

SEC. 26. Justices of the peace and Judges of Probate shall issue papers and hear and determine cases when business requires.

Contents of complaint and answer.

SEC. 27. The plaintiff shall state in his complaint every known item of grievance, and the defendant shall state in his answer every known set off, so that the issue of the trial may be a final settlement; Provided, that any matter accidentally omitted may be included after joining issue.

Accidental omissions.

Vexatious suits.

SEC. 28. If a person instigate or bring a suit which upon investigation proves to be vexatious, so soon as this fact is known, all proceedings therein shall be stopped; and he shall be compelled to make restitution to the aggrieved party in double the amount of damages sustained, and may be fined at the discretion of the Court.

Repeal.

SEC. 29. All laws, or parts of laws, conflicting with this act are hereby repealed.

Approved Dec. 30, 1852.

CHAPTER IV.

AN ACT creating the office of Selectmen and prescribing their duties.

Three men.

select

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That there shall be elected in each organized county at the next August election, three Select men, whose term of office shall be three years, as follows, to wit: the senior shall hold his office three years; the second two years, and the junior one year, and thereafter one shall be elected

each year, who shall hold his office for the term of three years, and until his successor is elected and qualified.

SEC. 2. Said Select men shall be sworn before the clerk of the Probate court, and give such bonds as the clerk shall approve, and the same shall be filed in the clerk's office, who shall give them a certificate of office, under the seal of the Probate court.

Select men to be sworn and give bonds.

SEC. 3. It shall be the duty of the Select men within their respective counties, in connection with the Probate court, to oversee the poor residing in said county, and provide for their maintenance, to take care, custody, and management of insane persons residing in said county, who are incapable of conducting their own affairs, and of their estate both real and personal, and to provide for the safe keeping of such insane persons, their maintenance and the maintenance of their families, and the education of their children. The Select men shall also have authority to bind out orphan children, and vicious, idle, or vagrant children, or such minors until they shall attain the age of legal majority. The Select men shall have power to appoint guardians for minors who are orphans, for the persons and property of the insane where they shall be found incapable of managing their own affairs, and generally to do and perform such other duties pertaining to their office as shall be required by law, or by the Probate Courts in their respective counties.

Select men to provide for the poor.

Insane persons.

Orphan children.

Guardians.

Probate courts may point out further duties of select men.

SEC. 4. Said Select men shall keep a record of all their proceedings, and return a copy thereof to the county court, at each of their regular sessions, as also a true report of the affairs and situation of the poor or destitute and insane within their respective counties, and make such suggestions and recommendations as to them shall appear necessary for the action of the court.

Select men to keep a record.

SEC. 5. Any person being an elector is eligible to the office of Select men without regard to any other office of which he may be incumbent, except such as are prohibited by the Organic Act.

Who are eligible to office of select men.

Approved Feb. 5, 1852.

CHAPTER V.

AN ACT regulating the Practice of the Several Courts in Utah Territory in Civil Suits.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That on all judgments rendered by any of the courts in this Territory, the stay of execution shall be had by the defendant or defendants giving security for the payment of debt and cost, to the acceptance of the court, or the plaintiff; the request to stay execution shall be made known on day of trial, and security given within five days from the time judgment is rendered.

SEC. 2. That all sums of twenty dollars and under may be staid thirty days; all sums over twenty dollars and not to exceed fifty dollars, may be staid sixty days; all sums over fifty dollars and not to exceed one hundred dollars may be staid ninety days; all sums over one hundred dollars may be staid six months.

SEC. 3. That at the expiration of the stay of any execution, if not satisfied, it shall be the duty of the court to issue an execution for the property of the defendant, or defendants, and in all cases the security to stay an execution shall be considered one of the defendants; but in all cases the property of the principal shall first be taken and exposed to pay the debt.

Approved March 3, 1852.

CHAPTER VI.

AN ACT for the Regulation of Attorneys.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the right of being heard by self or counsel shall not be denied to any person, claiming a trial as plaintiff or defendant, in any court in this Territory; and it shall be the duty of all judges of courts in this Territory to grant a hearing as counsel to any person of good moral character, chosen by any person or persons to prosecute or defend a case, in which he, she, or they, are a party.

SEC. 2. No person or persons, employing counsel in any of the courts of this Territory, shall be compelled by any process of law to pay the counsel so employed, for any services rendered as counsel, before or after, or during the process of trial in the case.

Counsel cannot collect anything by law for his services.

SEC. 3. It shall be the duty of the judges of all courts in this Territory, to forbid and prevent all indecent and exciting language and behavior in their courts; and in case of a rebuke to counsel being disregarded, and resented by said counsel, it shall be the duty of the judge giving such rebuke, to nullify the right to plead

Counsel not permitted to use improper language.

of such counsel, and to take measures to prohibit him from being heard as counsel in any court of this Territory, until such time as satisfaction has been given for his good conduct in future. And it shall further be his duty to impose a fine not exceeding one hundred dollars, on such counsel as he may deem just; and he may commit said counsel to prison during the term of the court then being holden.

Judge may prohibit the counsel from pleading in any court.

SEC. 4. It shall be the duty of the executive officers of all courts in this Territory, to arrest without process, and put in safe keeping all persons, whether counsel or other officers of courts, or persons within the hearing of such courts, who shall in any way behave indecently or riotously, or use indecent, riotous or exciting language, subject to the release or action of the court, in which such arrest is made; and such executive officers may call for such assistance as may be necessary in making such arrest, and for the safe keeping of such person or persons so offending.

Counsel may be fined or imprisoned.

SEC. 5. Any attorney or person otherwise assuming to appear before any court in this Territory, in any cause whatever, shall present all the facts in the case, whether they are calculated to make against his client or not, of which he is in possession, and shall present the best evidence that he can in the case to the intent that the true state of the case in litigation may be presented before the court, and for a failure to do so, or to comply with all the requirements of this act, shall be liable to all the penalty hereinbefore provided for, and the further penalty of not less than one dollar at the discretion of the court.

Executive officers may arrest without process.

Duty of attorneys and others.

In default of duty. Penalty.

Approved Feb. 18, 1852.

CHAPTER VII.

AN ACT in relation to Marshals and Attorneys.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That a Marshal shall be elected by a joint vote of both Houses of the Legislative Assembly, whose term of office shall be four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified. Said Marshal shall, before entering upon the duties of his office, take an oath of office, and file bonds with securities in the penal sum of not exceeding twenty thousand dollars, conditioned for the faithful discharge of his duties, which bond with securities is to be approved by the Secretary of the Territory, and filed in his office.

Marshal, how elected.

Term of office.

Give bonds.

Bond, how approved.

SEC. 2. Said Marshal shall have power to appoint one or more deputy marshals in each judicial district of the Territory, as the necessity of the case may require, whose term of office shall expire with that of the Marshal; but they may at any time be removed at his discretion.

May appoint deputies.

May be removed by the marshal.

SEC. 3. It shall be the duty of the Marshal, or any of his deputies, to execute all orders or processes of the supreme or district court, in all cases arising under the laws of the Territory, and such other duties as the executive may direct, or may be required by law pertaining to the duties of his office.

Duty of marshal and deputies.

SEC. 4. An Attorney General shall be elected by the joint vote of the Legislative Assembly, whose term of office shall be four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified, and shall, before entering on the duties of his office, take an oath of office, and give bonds and security to the people of the Territory, conditioned for the faithful performance of his duty, to be approved by the Secretary of the Territory, and filed in his office.

Attorney General, how elected.

Term of office.

Give bonds.

Bonds how approved.

SEC. 5. It shall be the duty of the Attorney General to keep his office at the seat of government, to attend to all legal business on the part of the Territory, before the courts, where the Territory is a party, and prosecute individuals accused of crimes in the judicial district

Duty of attorney general.

in which he keeps his office, in cases arising under the laws of the Territory, and such other duties as pertain to his office.

SEC. 6. There shall be elected for each judicial district (except the one in which the Attorney General keeps his office) a District Attorney by the joint vote of both Houses of the Legislative Assembly, who shall hold his office for four years, unless sooner removed by the Legislative Assembly, or until his successor is elected and qualified, and shall, before entering on the duties of his office, take an oath of office, and give bonds to the people of the Territory, conditioned for the faithful performance of his duties, to be approved by the Secretary of the Territory, and filed in his office.

District attorneys, how elected.

Term of office.

Give bonds.

Bond, how approved.

SEC. 7. It shall be the duty of the District Attorneys to attend to legal business before the courts in their respective districts, where the Territory is a party; prosecute individuals accused of crimes, in cases arising under the laws of the Territory, and do such other duties as pertain to their office.

Duty of district attorney.

SEC. 8. A Prosecuting Attorney shall be appointed by the probate judge in each organized county in this Territory, whose term of office shall be four years, unless sooner removed by the probate judge, or until his successor is appointed and qualified, whose duty it shall be to attend to all legal business in the county, in which the Territory is a party, and prosecute before the probate court of his county, all individuals accused of crimes. Said attorneys shall, before entering upon the duties of their respective offices, take an oath of office, and give bonds with securities, conditioned for the faithful performance of their duties, to be approved by the clerk of the probate court, and filed in his office.

Prosecuting attorney, how appointed.

Term of office. Duty of prosecuting attorney.

Give bonds.

Bonds how approved.

Approved March 3, 1852.

CHAPTER VIII.

AN ACT in relation to Writs of Habeas Corpus.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the

Petition for writs of Habeas Corpus.

petition for the Writ of Habeas Corpus must be in writing, and be sworn to, and signed by the prisoner, or some person, on his, her, or their behalf, setting forth the facts concerning his, her, or their imprisonment, and in whose custody, he, she, or they are detained, and shall be accompanied by a copy of the warrant or warrants of commitment, or an affidavit that the said copy had been demanded of the person or persons in whose custody the prisoner or prisoners are detained, and by him or them refused, or neglected to be given.

Condition on which writ may be granted.

SEC. 2. Upon the presentation of the foregoing petition to any court having jurisdiction, the writ of Habeas Corpus shall be awarded, unless it shall appear from the petition itself, or the documents annexed, or the showing of the petitioner, the party so applying would not be entitled to any relief.

What courts may grant the writs.

SEC. 3. The Writ of Habeas Corpus may be allowed by the supreme, district, or probate court, or any judge thereof, and may be served in any part of the Territory.

Application must be made to the nearest court.

SEC. 4. Application for this writ must be made to the court or judge most convenient in point of distance to the applicant, and the more remote court or judge, if applied to for the writ, may refuse the same, unless a sufficient reason be adduced in the petition for not making the application to the more convenient court or judge.

Form of the writ.

SEC. 5. When the writ shall be awarded, it shall appear under the seal of court issuing the same, or if it be issued by any judge it shall be signed by him, and shall be substantially in the following words, to wit:

Territory of Utah, } To the Marshal, or Sheriff,
County of ——— } officer, or to A. B. (as the case may be,)

You are hereby commanded to have the body of C. D. by you detained as alleged before the court, or before me, E. F. Judge &c. (as the case may be), at ———, on ———, or forthwith, after being served with this writ to be dealt with according to law, and to abide such order as the court or judge shall make in the premises, and have you then and there this writ, with a return of your doings in the premises.

Disallowance of writ.

SEC. 6. When the writ is disallowed, the court or judge shall cause the reasons of said disallowance to be

appended to the petition, and returned to the person applying for the writ.

SEC. 7. To the intent that no officer, sheriff, jailor, constable, or other person, or persons whatsoever, upon whom such writ shall be served, may pretend ignorance thereof, such writ or copy thereof shall be endorsed with the following words: "By the Habeas Corpus Act," and all persons upon whom such writs shall be served, holding said prisoner or prisoners, shall make return of such writ, and shall bring or cause to be brought, the body or bodies of such person or persons before the court or judge issuing said writ according to the requirements of the same.

Endorsement
'By the Habeas
Corpus Act.'

SEC. 8. Whenever the court or judge, authorized to grant this writ, has evidence that any person within the jurisdiction of such court or judge is unjustly imprisoned, or restrained of his liberty, it is the duty of each court or judge to issue, or cause to be issued, the writ as aforesaid, though no application be made therefor.

Writ may be
issued without
application.

SEC. 9. The writ may be served by the officer, or by any other person appointed for that purpose by the court or judge, by whom it is issued or allowed. If served by any other person than the officer, he possesses the same power, and is liable to the same penalty for a non-performance of his duty as though he were the officer.

Any person
may be appointed to serve
writ.

SEC. 10. The proper mode of service is by leaving the original writ with the defendant, or person holding or detaining such plaintiff or prisoner, and preserving a copy, on which to make the return of service.

Mode of serving
the writ.

SEC. 11. If the defendant cannot be found, or if he have not the plaintiff in custody, the service shall be made upon any person having the plaintiff in custody, in the manner and with the same effect as though he had been made defendant therein.

Writ may be
served upon
any person holding
prisoner.

SEC. 12. If the defendant conceal himself, or refuse admittance to the person attempting to serve the writ; or if he attempt wrongfully to carry the person out of the county or Territory after the service of the writ as aforesaid, the officer or the person who is attempting to serve, or who has served the writ, as above contemplated, is authorized to arrest the defendant, or other person so resisting, and bring him or them together with

Defendant may
be arrested.

the plaintiff forthwith, before the officer or court before whom the writ is made returnable. In order to make such arrest, the officer or other person having the writ, possesses the same power to execute the same as is given to a sheriff for the arrest of a person charged with felony.

Defect of form.

SEC. 13. The writ of habeas corpus must not be disobeyed for any defect of form or mis-description of the plaintiff or defendant: Provided, enough is stated to show the meaning and intent of the writ. Service being made in any mode, the defendant must appear at the proper time and place, and answer the petition. He must also bring the body of the plaintiff, or show good cause for not doing so; to get possession of a plaintiff's person, when there is no person appearing to have him in charge or custody; the same power is given to the officer or person having the writ, as is given to the sheriff for the arrest of a person charged with felony.

Imprisonment and fine.

SEC. 14. A wilful failure to comply with the requisitions of this act, renders the defendant or offending party, liable to be attached for a contempt, and to be imprisoned till a compliance is obtained, and also subjects him to a forfeiture of one thousand dollars to the party thereby aggrieved.

Defendant's answer.

SEC. 15. The defendant in his answer must state plainly and unequivocally, whether he then has, or at any time has had the plaintiff under his control and restraint, and if so, the cause thereof. If he has transferred him, he must state the fact, and to whom, and the time thereof, as well as the reason or authority therefor.

Judge may be fined and imprisoned.

SEC. 16. Any judge, whether acting individually or as a member of the court, who wrongfully and wilfully refuses to award such writ whenever proper application for the same is made, shall forfeit and pay the sum of one thousand dollars, which may be recovered by an action of debt for the use of the Territory; and may be imprisoned for a term not exceeding one year.

Plaintiff to be retained in custody.

SEC. 17. Until the sufficiency of the cause of restraint is determined, the defendant may retain the plaintiff in his custody, and may use all necessary and proper means for that purpose.

Plaintiff may be absent.

SEC. 18. The plaintiff in writing, or by his attorney may waive his right to be present at the trial, in which

case the proceedings may be had in his absence. The writ in such cases will be modified accordingly. If no sufficient, just legal cause of detention is shown, the plaintiff must be discharged.

SEC. 19. Upon the return of any writ of Habeas Corpus, the court or judge shall, after having given sufficient notice, proceed in a summary manner to settle the said facts, by hearing the testimony and arguments, as well of all parties interested civilly, if any there be, as of the prisoner or prisoners; and the person or persons who hold him, her, or them in custody, and shall dispose of the prisoner or prisoners, as the case may require, in all cases where the imprisonment is for a criminal offence, and there is not sufficient cause for discharge; and although the commitment may have been informally made, or without due authority, or the process may have been executed by a person not duly authorized, the court may make a new commitment, or admit the party to bail, if the case be bailable.

Proceedings of
the court.

SEC. 20. Disobedience to any order of discharge or attempt to elude the service of the writ of Habeas Corpus, or to avoid the effect thereof, subjects the defendant to a fine of one thousand dollars, and imprisonment for the term of one year; and any person knowingly aiding and abetting in any such act, shall be subject to the like punishment.

Fine and im-
prisonment of
defendant.

SEC. 21. Any officer refusing to deliver a copy of any legal process by which he detains the plaintiff in custody, to any person who demands such copy, for the purpose of taking out a writ of Habeas Corpus, shall forfeit not exceeding two hundred dollars to the person so detained.

Fine of officer.

SEC. 22. All persons admitted to bail on Habeas Corpus shall enter recognizance, with sufficient sureties, in such sum as the court shall direct, having regard to the circumstances of the plaintiff, and the nature of the offence, conditioned for his, her, or their appearance at the next term of the court to be holden in the county where the offence was committed, or where the same is to be tried. And all material witnesses shall also be required to enter recognizance to appear at the same time and place, and not depart therefrom without leave. All such papers must be filed in the clerk's office, where the same is made returnable.

Sureties in case
of bail.

Witnesses.

SEC. 23. The recovery of any penalties incurred by

Damages.

reason of the provisions of this act, shall be no bar to a civil suit for damages.

Approved Feb. 2, 1852.

CHAPTER IX.

AN ACT governing Writs of Attachment and Capias.

Writ of attachment.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That when any person or persons shall file an affidavit in any of the courts of this Territory, that some person or persons are about to leave the county or Territory, removing their effects with the intention, he believes of defrauding his, her, or their creditors, and that such person or persons are indebted to him, her, or them, either by note or book account, and are about to leave without paying the same, the court shall issue a writ of attachment upon the goods, chattels, and effects, of such person or persons, and such goods, chattels, and effects, shall be held to pay the debt and cost, if, upon a trial, judgment shall be rendered against the defendant. The writ of attachment may be directed to any and all persons that shall be owing the said defendant when there is not sufficient property found to satisfy the debt and cost; and any such person so notified or served with an attachment shall be considered garnisheed, and said indebtedness shall be held liable for the debt of the defendant until the same shall be satisfied.

Bail.

SEC. 2. In all cases of attachment, bail may be taken to the satisfaction of the court for debt and cost; and in case bail is given, the property shall be free from the attachment. The court, on issuing an attachment, shall notify the person whose goods are attached, of a set time and place for trial.

Damage may be recovered.

SEC. 3. In case an attachment shall be obtained from any court, and upon trial, no judgment shall be found for the plaintiff, the defendant whose goods have been attached, may recover by law all the damage he may have sustained by such attachment.

Capias

SEC. 4. Capias may be served on any person not a

householder: Provided, that any person shall not be held with capias, more than forty-eight hours without trial. Capias may also be served on any person while in the act of leaving the county or Territory.

SEC. 5. When any person or persons shall have left the Territory, or shall not be a resident of the Territory, leaving behind him debts unpaid, if such person or persons have property within the Territory, it may be lawful for such creditors to sue out a writ of attachment against such absent debtor, his goods, chattels, and effects, dues and demands. And all such property, dues, and demands, shall be held to pay all the debts such debtor shall have left unpaid, if upon a trial a judgment shall be had against the defendant.

Attachments may be had upon the goods, &c., of non-residents.

Approved March 3, 1852.

CHAPTER X.

AN ACT concerning Writs of Replevin.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That when any person or persons shall have any species of property in his, her, or their possession, and such property shall be claimed by some other person or persons, and be demanded by such other person or persons; and if it be not given to the party or persons that have made the demand, the party demanding may file an affidavit, giving good security to the opposite party for costs and damages before any Justice of the Peace within the county, where such property may be situated, or other court having jurisdiction, or such person or party holding such property may be found, (or where he, she, or they may reside) the affidavit shall state that he, she, or they are the rightful owner of such property, describing the same, and in whose possession it may be found, the court or justice shall issue a writ, directed to the sheriff or constable, or other officer.

Conditions on which a writ of replevin is issued.

SEC. 2. Such sheriff or constable, or other officer, shall serve such writ of replevin, and the officer shall execute such writ by taking into his custody all such

Officer must take into custody the property until decree of court.

property that is specified in the writ, and safely keep the same until a decree of the court shall be had thereon; the officer shall deliver all such property to the person or party in whose favor the decree of the court shall have been made.

SEC. 3. In all cases, the defendant shall have the right to give good and sufficient bail to the court issuing a writ of replevin, conditioned for the payment of all damages and costs, and when bail is extended, the defendant may retain the property replevied until a decision of court shall be had, when it shall be delivered to the person in whose favor the decision of the court shall be given. In case the defendant shall not give bail as herein provided for, the plaintiff may, by giving bonds with securities approved by the court, for all costs and damages that may accrue, take into his possession the property in dispute, and retain the same until a decree of the court shall be had thereon.

Defendant may retain property on bail.

Plaintiff may take the property.

Writ may be issued by justice of the peace.

If amount exceed \$100, it must be referred to a higher court.

SEC. 4. A justice of the peace may issue a writ for the replevy of property, and try all cases of replevin, where the amount of property in dispute shall not exceed one hundred dollars; where the amount in dispute shall exceed that sum, he shall transmit a copy of his proceedings in issuing said writ to a higher court, who shall try all such cases, the same as if the writ had been issued from that respective court.

Approved March 3, 1852.

CHAPTER XI.

AN ACT in relation to Writs of Ejectment.

Lessor may enter complaint in writing against lessee.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That where any land, or lands, house, buildings or any premises have been let, leased, or contracted for a term, and at the expiration of the contract, the lessee refuses to yield up the possession to the lessor, in such case the lessor may enter complaint in writing of the same, stating in substance the facts of the case on oath, before

any court having jurisdiction; and the court shall issue a writ against the lessee, requiring the lessee to yield up said premises within twelve days from the date of said writ, giving ten days notice from service by copy delivered, or left at the place of abode of the lessee, or at a day to be named in the writ to appear before said court to show cause why the said premises are so retained. And the said court shall, on hearing the case, and allegations of the parties within three days thereafter, render a judgment in the case. If it be for the lessee to yield the possession, he shall be required to do so within five days from the time of the rendering of said judgment, and shall be held for the costs of suit and damages. And should the lessee refuse or neglect to comply with said judgment in yielding possession, the lessor may compel by writ of ejectment the required possession forthwith.

Court to issue writ against lessee.

Decision of court.

Writ of ejectment.

SEC. 2. Wherever any person or persons shall be in possession of a house, farm, or parcel of land; and such house, farm, or parcel of land shall be claimed as provided for by this act, the party claiming shall be entitled to dispossess the occupant, and the defendant shall have all the benefit of law as above provided.

Occupant may be dispossessed.

SEC. 3. Nothing herein contained shall be so construed as to prevent any justice of the peace from having jurisdiction, after the proper security shall have been given, to issue ejectment, try the merits and enforce the judgment thereon in a summary manner.

Justices may have jurisdiction in the case.

Approved March 3, 1852.

CHAPTER XII.

ACT in relation to the estates of decedents.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That any person of full age and sound mind, may dispose, by will, of all his property, except what is sufficient to pay his debts, or what is allowed as homestead or otherwise to wife or family; property subsequently acquired may also be devised.

Wills.

Verbal wills.

Witnesses to
written wills.

Interest of pos-
thumous chil-
dren.

Public reading
of will.

Wills to be re-
corded.

May be read in
evidence.

Executors.

Executors of
non-residents.

How adminis-
tration shall be
granted.

SEC. 2. Personal property may be bequeathed by verbal will, if witnessed by two competent witnesses; all other wills to be valid must be in writing, witnessed by two competent witnesses, and signed by the testator, or by some person in his presence and by his express direction.

SEC. 3. Posthumous children unprovided for by the father's will, shall inherit the same interest as though no will had been made.

SEC. 4. Wills duly sealed up and endorsed may be deposited with the clerk of the probate court, whose duty it is to file, and safely preserve the same until the death of the testator or testators, unless they themselves sooner demand them.

SEC. 5. Any person having the custody of a will, shall, at the first stated term of the court, after being informed of the death of the testator, bring the same into court, where it shall be publicly read.

SEC. 6. Wills, when proved and allowed, shall have a certificate thereof endorsed or annexed thereto; signed by the clerk, and attested by the seal of the court; all of which shall be recorded in a book to be kept for that purpose, and every will so certified, or record thereof, or a transcript of such record duly authenticated, may be read in evidence in all courts within this Territory, without further proof. Wills must be thus allowed and attested, to be carried into effect.

SEC. 7. Executors are entitled to a copy of the will, and if there is no executor appointed in the will, or if he, or they shall fail to qualify and act, they may be appointed by the court. The court may also, for good cause, remove executors, as also fill vacancies.

SEC. 8. In the administration of the estate of any deceased non-resident, an executor may be appointed and qualify himself as required of other executors, unless another executor has previously been appointed in this Territory.

SEC. 9. Where no executor is appointed by will, administration shall be granted: first, to the wife of the deceased; second to his next of kin; third to his creditors; fourth, to any other person whom the court may select, and the court may unite individuals belonging to the same or different classes as executors, whenever it deems such a course expedient. The court must not appoint a person as executor, who is manifestly unsuitable for the discharge of the trust, nor who is a minor.

SEC. 10. Every executor, before entering upon the discharge of his duties, must give bonds in such penalty and securities as the judge of the court approves, conditioned for the faithful discharge of his duties, and take and subscribe an oath to the same import, which oath and bond shall be filed in the probate court's office. New bonds and increased penalties, and new securities may be required whenever the court shall deem it necessary or expedient.

Executors' bond
and oath.

SEC. 11. The court when there is necessary delay in granting a commission to any executor to act, may, in its discretion, appoint one or more special executors, to collect and preserve the property of the deceased, who shall qualify as above required. All executors shall make out and file an inventory of all the estate and effects, personal and real, belonging to such estate in the probate court's office within thirty days from the date of his commission. Upon granting full administration the powers of special executors shall cease, and all the business shall be transferred to the general executor.

Special execu-
tors.

Inventory.

SEC. 12. Nothing herein shall be so construed, when the interest of creditors are not prejudiced thereby, as to hinder the testator or the court prescribing the manner of winding up the affairs of the estates, or continuing his business in which the deceased was engaged at the time of his death, in order to wind up his affairs with greater advantage to the interest of the estate.

Court may pre-
scribe rules for
winding up the
affairs of the
estate.

SEC. 13. All personal property of the deceased must be appraised by appraisers appointed by the court, and if any portion of such property be in another county, the same appraisers may serve, or others may be appointed by the court or by a disinterested justice of the peace of such county, and a supplemental inventory and appraisement must be made out whenever the existence of other property is discovered.

Appraisement
of property.

SEC. 14. When the deceased leaves a wife or family, no property exempt by law from execution, shall be considered assets, or administered upon, but shall be held for the exclusive benefit of the wife or family, and shall not be liable for any debts against the estate.

Property re-
served for the
benefit of fam-
ily.

SEC. 15. All persons having any of the property or effects of a deceased person in their hands wrongfully, are required to deliver them up to the executor of the estate. The executor, with the approbation of the

Property to be
delivered to the
executor

Executor may compound with debtor.

court, may compound with any debtor of the estate who may be thought unable to pay his whole indebtedness, or in order to avoid doubtful litigation.

Court may direct sale of property.

SEC. 16. The court, on application of the executor, shall, from time to time, direct the sale of such portions of personal effects as are of a perishable nature, or which from any cause would otherwise be likely to depreciate in value, and also such portions as are necessary to pay off the debts and charges upon the estate. If the personal effects are found insufficient to satisfy such charges, a sufficient portion of real estate may be ordered to be sold for that purpose.

Public or private sale.

SEC. 17. Property may be sold either at public or private sale, as shall be most conducive to the interest of said estate, and reasonable and general notice of public sale must always previously be given.

Conveyance of real estate.

SEC. 18. When real estate is sold, conveyance of the interest of the decedent may be made by the executor under the approval of the court.

Sale on credit.

SEC. 19. Property may also be sold upon credit, not exceeding twelve months, whenever the court is satisfied that the interest of the estate will be promoted thereby.

Expenses of administration & other charges.

SEC. 20. As soon as the executors are possessed of sufficient means, over and above the expense of administration, they shall pay off the charges of the last sickness and funeral of the deceased.

Payments next to be made.

SEC. 21. They shall, in the next place, pay any allowance which may be made by the court for the maintenance of a widow or minor children. Other demands against the estate are next payable; after which, legacies may be paid and distribution made to heirs by descent. A neglect or failure on the part of any creditor to give notice of his claim to the executor or the court, and not proving the same within two years from and after the granting of administration upon said estate, shall prove a bar to the filing of it ever after, unless the said claim is in litigation, or unless unavoidable circumstances entitle the claimant to equitable relief.

Creditor to give notice of claims.

Dividend for the payment of creditors.

SEC. 22. If there are not likely to be sufficient means in all, to pay off the whole of the debts of any one class, the court shall, from time to time, strike a dividend of the means on hand among the creditors of that class, and the executor shall pay the several amounts accordingly.

SEC. 23. The personal estate of the deceased, not necessary for the payment of debts not otherwise disposed of as herein provided, shall be distributed to the same persons and in the same proportions as though it were real estate. The distribution shares shall be paid over as fast as the executor can properly do so. The property itself shall be distributed in kind, whenever that can be done satisfactorily and equitably; in other cases the court may direct the property to be sold, and the proceeds to be distributed. When the circumstances of the family require it, the court in addition to what is herein before set apart for their use, may direct a partial distribution of the money or effects on hand at any time after filing the inventory, he being satisfied that said amount, so distributed, will eventually be coming to said family.

Distribution of shares.

SEC. 24. The homestead, occupied by the wife, or any portion of the family of the deceased at the time of his death, shall in all cases be held free to the use of the wife and family of the deceased, and shall not be liable to any claim or claims against said estate, and if there be other property remaining after the liabilities of the estate are liquidated, then it shall, in the absence of other arrangements by will, descend in equal shares to his children or their heirs; one share to such heirs through the mother of such children, if she shall survive him, during her natural life, or during her widowhood; or if he has had more than one wife, who either died or survived in lawful wedlock, it shall be equally divided between the living and the heirs of those who are dead, such heirs taken by right of representation.

Homestead not liable to any claim.

Children to have equal shares.

Further division of shares.

SEC. 25. Illegitimate children and their mothers inherit in like manner from the father, whether acknowledged by him or not, provided it shall be made to appear to the satisfaction of the court, that he was the father of such illegitimate child or children.

Inheritance of illegitimate children and their mothers.

SEC. 26. The parents or parent, if only one be living, may inherit the estate of their children when they shall die without wife, or issue; but in all cases where the deceased leaves a wife, the inheritance shall not pass therefrom, so long as the name of the dead shall be perpetuated thereon.

Estate of deceased children may fall to parents.

SEC. 27. Property given by an intestate by way of advancement to an heir shall be considered part of the estate, so far as regards the division and distribution

Property given by way of advancement to an heir.

thereof, and shall be taken by such heir towards his share of the estate at what it would at the time be worth if in the condition in which it was when given to him; but if such advancement exceeds the amount to which he would be entitled, he cannot be required to refund any portion thereof.

Estate of deceased wife falls to the husband.

SEC. 28. The husband shall inherit the estate of a deceased wife in the same manner as the wife the estate of the deceased husband, and the like interest shall in the same manner descend to their respective heirs.

Executors to complete contracts.

SEC. 29. Executors have power to complete the performance of contracts made by the intestate, either to receive or give conveyances to real estates upon the fulfillment of the terms of any contract previously so made.

Executors to render an account to the court once a year.

SEC. 30. Executors shall at least once a year, and oftener if required by the court, render his account to the court, showing the condition of the estate, its debts and effects; he must account for all property mentioned; but the appraisement shall be taken only as presumptive evidence of its value, neither shall the executor claim any benefit from the sale of property at a higher price than the appraisement; nor is he chargeable with any loss occasioned without any fault of his own.

Discharge of executors.

SEC. 31. Upon the final settlement by the executor, an order shall be entered, discharging him from further duties and responsibilities.

Proceedings previous to this act.

SEC. 32. Nothing herein contained shall be so construed as to hinder or delay any proceedings or orders, already made by any court having previous to this act had jurisdiction in the settlement of estates.

Approved March 3, 1852.

CHAPTER XIII.

AN ACT defining what may be trespass and damage.

Cutting grass on another's land.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That if any person or persons, shall cut grass for hay on any land belonging to another person or persons, without his, or

their consent, an action of trespass may be had against such offender, and damages recovered by process of law.

SEC. 2. If any person shall cut or haul off timber from the possession of another person without his or their consent, an action of trespass and damage, may be had against such offender. Cutting timber on another's possession.

SEC. 3. If any person shall take any species of property belonging to another, publicly, but without the consent of the owner, an action of trespass may be had against such offender, and damages recovered by law. Property taken publicly.

SEC. 4. If any person shall ride across, or drive a wagon through a field of grain, or over any enclosed ground, belonging to another person, an action of trespass may be had against such offender, and all damages recovered. Crossing enclosure.

SEC. 5. If any person shall drive through, or lay down a fence, belonging to another person, and shall fail to put the same up, such offender shall be liable for all damages, to be recovered under an action of trespass. Laying down fences.

SEC. 6. An action for damages may be sustained, for goods stored or property in the possession of another person that may be damaged while in such possession. Damaged property.

SEC. 7. That if any person or persons, after there shall have been a division of water, lawfully made in any county or precinct in this Territory, for irrigation or other purposes, shall in any way infringe upon the rights of any person or persons, they shall be liable in an action of trespass to the parties damaged; and liable to be fined at the discretion of the court having jurisdiction. Infringing upon rights in regard to water.

SEC. 8. That all damage done to fruit or shade tress, in or around enclosures, or lots, by careless driving, or the tying up of cattle and horses, or any needless destruction of any such shade or fruit trees, shall be considered a trespass, and such person or persons shall be liable for damage and fine according to the discretion of the court having jurisdiction. Injury of fruit and shade trees.

Approved March 3, 1852.

CHAPTER XIV.

AN ACT concerning Masters and Apprentices.

Any minor
child may be
bound.

Indenture.

Idle, vicious,
or vagrant
children.

Select men
may bind out
minor children.

Powers of mas-
ter.

Who may
watch over the
interests of the
minor.

Apprentices
may be dis-
charged if ill
treated.

Duty of master.

Duty of appren-
tice.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That any minor child may be bound to service until the attainment of the age of legal majority; such binding must be by written indenture, specifying the terms of agreement, age of the minor (if known,) and shall moreover be signed by the minor if over twelve years of age. Nothing herein shall be so construed as to prevent the select men or probate court from binding out any idle, vicious or vagrant minor child without his or her consent, or the consent of the parent or guardian of such minor child, if such parent or guardian neglects, refuses, or otherwise fails in properly controlling the actions and education of such minor, and does not train him or her up in some useful avocation.

SEC. 2. It is hereby made the duty of select men to look after, and take notice of all such cases, and when they shall find the minor child incorrigible, and the parents unable, unwilling, or negligent as hereinbefore mentioned, bind him or her out to some suitable person to be trained to some useful vocation.

SEC. 3. The powers, liabilities and duties of master, and the rights of the apprentice, are the same as those of parent and child respectively, except as to inheritance, and except as is otherwise provided by law.

SEC. 4. The parent, guardian, or officer, by whose act or consent any minor is thus bound, must watch over the interest of the minor so bound, and take measures for his or her relief, whenever circumstances shall justify or the true interest of the minor child shall require it.

SEC. 5. If the master shall illtreat his apprentice, or in any manner palpably fail in the discharge of his duties in regard to said apprentice, the said apprentice may be discharged from further service, and may moreover recover damages, and compensation for services.

SEC. 6. It shall be the duty of the master to correct and teach such minor child to observe the principles of good order and industry, and train him or her to some useful avocation. And it is hereby made the duty of such minor child to observe obedience to, and respect

for, the requirements of the master. But if the apprentice bound as aforesaid, shall refuse to serve according to the terms of the indenture, or grossly misbehave, and the master shall be incapable or unable to influence or control such apprentice, he may be discharged from further obligations or liability, at the discretion of the court; and in the event of a dissolution, the apprentice shall receive such allowance for the service previously rendered as may be considered just under the circumstances of the case.

Masters may discharge apprentices for bad conduct.

SEC. 7. The death of the master, or his removal from the Territory, works a dissolution of the indentures, unless otherwise provided therein, or unless the apprentice shall elect to continue in his service.

Death or removal dissolves the indenture.

SEC. 8. Any person, apprentice or servant, who shall have so elected, or agreed to render service in any other territory, state, or country, shall come under the same regulations and requirements as herein provided, all such agreements or indentures for services being held as inviolate and binding, as if they had been entered into, and executed within this Territory.

Agreements in other territories and states.

SEC. 9. If from habitual intemperance, and vicious, and brutal conduct, or from vicious, brutal, and criminal conduct towards said minor child, the parent of the same shall be considered an unsuitable person to retain the guardianship, or control the education of said child, the judge of probate court or select men may appoint a suitable person to be the guardian of such child, and may, if deemed expedient, also cause said minor child to be bound as an apprentice to some suitable person, during his or her minority. Nothing herein shall be so construed as to take such minor child, if either the father or mother be a proper guardian.

Guardianship of minor child.

SEC. 10. The strict observance of the provisions of the indentures on the part of the master and apprentice must be considered essential to entitle either party to the benefits arising under the provisions of this act, and the select men or the probate court shall inquire into such observance before either awarding compensation or damages, or otherwise discharging or releasing either party from the requirements of such indentures, or the provisions of law in such cases made and provided. Nothing herein contained shall be so construed as to effect a release of either party from service or ob-

Indentures must be strictly observed.

ligation, as the case may be, where the agreement or indentures have been entered into in any foreign state or country, or in this Territory for a longer period.

Minor child to be sent to school.

SEC. 11. The master shall send the said minor child to school between the ages of six and sixteen, three months in each year if there be a school in the district or vicinity; and at all times, and in all cases the master shall clothe the minor child in a comfortable and becoming manner.

Approved Feb. 7, 1852.

CHAPTER XV.

AN ACT in Relation to Minors.

Period of minority.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the period of minority extends in males to the age of twenty one years; and in females to that of eighteen years; but all minors obtain their majority by marriage.

Contracts of minors.

SEC. 2. A minor is bound, not only by contracts for necessities, but also by his other contracts, unless he disaffirms them within a reasonable time after he attains his majority, and restores to the other party all money or property received by him by virtue of said contract, and remaining within his control at any time after attaining his majority.

Cases in which minors cannot disaffirm.

SEC. 3. No contract can be thus disaffirmed in cases where on account of the minor's own misrepresentations as to his majority, or from his having engaged in business as adult, the other party had good reason to believe the minor capable of contracting.

Contracts for the personal services of minors.

SEC. 4. When a contract for the personal services of a minor has been made with him alone, and those services are afterwards performed, payment made therefor to such minor in accordance with the terms of the contract, is a full satisfaction for those services, and the parent or guardian cannot recover therefor a second time.

Approved Feb. 6, 1852.

CHAPTER XVI.

AN ACT in relation to Guardians.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the father is the natural guardian of the person or persons of his minor children. If he dies without appointing any guardian, or is incapable of acting, the mother becomes the guardian.

The parents are natural guardians.

SEC. 2. The natural and actual guardian of any minor child, may by will appoint another guardian for such minor: Provided, where both parents are dead, or disqualified to act as guardian, the probate judge or select men may appoint one.

Guardians may be appointed by will.
Probate judge &c., may appoint guardian.

SEC. 3. When a divorce is decreed or obtained, such order in relation to the children and property of the parties, and the maintenance of the wife may be made as shall be deemed right and proper; subsequent changes may be made by the probate court or select men, in those respects when circumstances render them expedient.

Children and property in case of divorce.

SEC. 4. In cases where the minor has property not derived from either parent, a guardian may be appointed by the court or select men to manage such property. The father or mother, if deemed a suitable person for that purpose, may be appointed the guardian to take charge of the property of his or her minor child.

Property of minors not derived from parents.

SEC. 5. If the minor be over the age of fourteen years, and of sound intellect, he may select his own guardian, subject to the appointment of the probate court or select men.

If 14 years old minors may select guardian.

SEC. 6. Guardians must be sworn to the faithful performance of their duties, and give bond and security to be approved by the court or select men, and filed in the office of the court of probate.

Guardians to give bonds and securities.

SEC. 7. All property belonging to minors must be inventoried, appraised, and a copy of the appraisement filed in the probate court's office, within twenty days after the guardian shall have been qualified. Guardians of the persons of minors have the same power and control over them that parents would have if living.

Inventory &c. of property.

Guardians to have the same power as parents.

SEC. 8. If necessary for the minor's support or education, to dispose of the minor's property, either personal or real, the guardian may do so, by giving general

Sale of minor's property.

notice ten days previous to said sale; all sales must be under the direction of the probate court, who shall cause the bonds of the guardian to be increased if he shall deem it necessary. The court or select men may also direct the postponement of such sale for further notice or consideration, if they are of opinion that the interest of the minor would be promoted thereby. The avails of all such sales shall be accounted for, and the inventory filed in the court of probate's office, and applied under his direction.

Conveyances.

SEC. 9. Conveyances of property may be made under the direction of the court by the guardian.

Guardian may be dismissed & another appointed.

SEC. 10. A failure to comply with any order of the court or requirement of the select men in relation to guardianship, may involve the dismissal of the guardian, and may be deemed a breach of the condition of his bond, for which he shall be liable, and the court may appoint a new guardian, if it shall deem it necessary. Guardians shall account to the court annually on oath, or oftener if required by the court or select men.

Guardian must report annually

Effects to be delivered to new guardian.

SEC. 11. Where a new guardian is appointed, the effects of the minor, which are in the hands of his predecessor, are to be delivered up to such new guardian.

Compensation of guardian.

SEC. 12. Guardians shall receive such compensation as the court may from time to time allow. The amount allowed, and the service for which the allowance was made, must be entered upon the records of the court.

Approved Feb. 3, 1852.

CHAPTER XVII.

AN ACT in relation to Service.

Service due in other states or territories shall be binding in this territory.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That any person or persons coming to this Territory, and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory: Provided, that he shall file in the office of the probate court written and satisfactory evidence that such service or labor is due.

SEC. 2. That the probate court shall receive as evidence any contract properly attested in writing or any well proved agreement wherein the party or parties serving have received or are to receive a reasonable compensation for his, her, or their services: Provided, that no contract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or masters.

How contracts for servitude may be proved.

Proviso.

SEC. 3. That any person bringing a servant or servants, and his, her, or their children from any part of the United States, or other country, and shall place in the office of the probate court the certificate of any court of record under seal, properly attested that he, she, or they are entitled lawfully to the service of such servant or servants, and his, her, or their children, the probate justice shall record the same, and the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will and choice.

Servants bro't from U. S. may be retained in servitude for life.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her servant or servants of the African race, he or she shall forfeit all claim to said servant or servants to the commonwealth; and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject, on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, to the use of the Territory, and imprisonment not exceeding three years.

Servants may be forfeited.

Fine and imprisonment for sexual intercourse with African race.

SEC. 5. It shall be the duty of masters or mistresses to provide for his, her, or their servants comfortable habitations, clothing, bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefor, to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his or her master or mistress.

Duties towards servants.

SEC. 6. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity; and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the probate court may declare the contract between master and servant or servants void, ac-

Master may punish servants

Forfeit of servants by cruelty.

cording to the provisions of the fourth section of this act.

Transfer
of servants.

SEC. 7. That servants may be transferred from one master or mistress to another by the consent and approbation of the probate court, who shall keep a record of the same in his office; but no transfer shall be made without the consent of the servant given to the probate judge in the absence of his master or mistress.

Fine and im-
prisonment for
transferring
servants con-
trary to law.

SEC. 8. Any person transferring a servant or servants contrary to the provisions of this act, or taking one out of the Territory contrary to his, or her will, except by decree of court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the court, and shall forfeit all claims to the services of such servant or servants, as provided in the fourth section of this act.

Servants to be
sent to school.

SEC. 9. It shall further be the duty of all masters or mistresses to send their servant or servants to school, not less than eighteen months, between the ages of six, and twenty years.

Approved Feb. 4, 1852.

CHAPTER XVIII.

AN ACT in relation to Bills of Divorce.

Court of Pro-
bate have juris-
diction in cases
of divorce, &c.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the court of probate in the county where the plaintiff resides shall have jurisdiction in all cases of divorce and alimony, and of guardianship, and distribution of property connected therewith.

Petition for
divorce.

SEC. 2. The petition for a bill of divorce must be made in writing, upon oath or affirmation, and must state clearly and specifically the causes on account of which the plaintiff seeks relief. If the court is satisfied that the person so applying is a resident of the Territory, or wishes to become one; and that the application is made in sincerity and of her own free will and

choice, and for the purpose set forth in the petition; then the court may decree a divorce from the bonds of matrimony against the husband; for any of the following causes, to wit:

Impotence of the defendant at the time of marriage; adultery committed by defendant subsequent to marriage; wilful desertion of his wife by the defendant, or absenting himself without a reasonable cause for more than one year; habitual drunkenness of defendant subsequent to marriage; conviction of defendant for felony subsequent to marriage; inhuman treatment so as to endanger the life of the defendant's wife; when it shall be made to appear to the satisfaction and conviction of the court, that the parties cannot live in peace and union together, and that their welfare requires a separation.

Causes for which a divorce may be granted.

SEC. 3. The husband may in all cases obtain a divorce from his wife for the like causes, and in the same manner as the wife obtains a divorce from her husband.

Husband may obtain a divorce.

SEC. 4. Nothing herein contained shall be so construed as to prevent courts of probate from deferring their decree of a divorce, when the same is applied for, to any specified time, not exceeding one year, when it appears to him that a compromise might at a future time be made between the parties. During the time of such deference on the part of the court, the bonds and engagements of matrimony may not be violated by the parties.

Decree of divorce may be deferred one year.

SEC. 5. The defendant, unless in a case of absence heretofore provided for on his or her part, shall have the right to appear, and shall receive a proper and timely warning thereto; should the defendant fail to appear, the court may, if satisfied that the complainant is the injured party, and his or her claims are just and well grounded, decree a dissolution of the marriage contract between the complainant and defendant.

Defendant has a right to be present.

SEC. 6. When a divorce is decreed, the court shall make such order in relation to the children and property of the parties, and the maintenance of the wife, and such portion of the children as may be awarded to her, as may be just and equitable: Provided, that if the children shall have attained the age of ten years, and possess sound mind, they shall have the privilege to select of their own free will and choice, to which of their parents they will attach themselves: Provided further, that the parties may, with the approval of the

Children and property of parties.

Proviso.

Proviso.

Proviso.

court, themselves agree upon the distribution of the property and disposal of the children: Provided further, that when it shall appear to the court at a future time, that it would be for the interest of the parties concerned, that a change should be effected in regard to the former disposal of children or distribution of property, the court shall have power to make such change as will be conducive to the best interests of all parties concerned.

Forfeits of guilty party.

SEC. 7. When a divorce is decreed, the defendant or guilty party forfeits all rights acquired by marriage.

Fine and imprisonment of persons who seek to separate husband and wife.

SEC. 8. It shall be the duty of the courts of probate in their respective counties, to punish by fine or imprisonment, or both, at their discretion, any person or persons who shall stir up unwarrantable litigation between husband and wife, or seek to bring about a separation between them.

Approved March 6, 1852.

CHAPTER XIX.

AN ACT in relation to Marks and Brands.

General office of recording marks and brands.

Election of recorder.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the general office for recording marks and brands shall be kept at the seat of government, and the recorder thereof shall be elected by the Legislative Assembly, and his term of office shall be four years, and until his successor is elected and qualified.

Auxiliary offices.

SEC. 2. There shall also be an auxiliary recorder's office in every other county in this Territory, the duties of which are hereby devolved upon the county clerks of their respective counties.

Book of marks and brands.

SEC. 3. It shall be the duty of the recorder at the seat of government to keep a fair and faithful record of all marks and brands, in a book suitable for the purpose, which shall be free for the inspection of all persons interested. Said record shall show the name of each owner of the mark or brand so recorded, together with their place of residence; and it shall be his duty to define and designate the particular mark or brand to be used by each individual applying therefor.

SEC. 4. It shall be the duty of the recorder to consult the convenience of each person applying for a mark or brand: Provided, the mark or brand so applied for has not previously been given, or recorded to some other person, and to furnish to any person desiring it, a certificate of his or her brand: Provided also, if a character is wanted for a brand for which there is no type, the person applying therefor shall pay the extra expense thereof.

Application for
a mark or
brand.

SEC. 5. It shall be the duty of the general recorder to furnish printed copies of all marks and brands to the clerks of the different counties, where such auxiliary office is established, to the amount that shall be applied and paid for at the rate of twenty five cents for each sheet so printed, of common writing paper, printed on four sides.

Printed copies
to be furnished
each county.

SEC. 6. Whenever any person wishes to obtain a recorded mark or brand, application therefor shall be made to the general recorder's office, at the seat of government; and if said applicant resides in any other county than the one in which the seat of government is located, said application shall be made to the auxiliary office in said county; and it shall be the duty of the clerk of the county court in such county, to report said application, if there shall be any on hand, once a month, to the general recorder's office; and when said mark or brand is received, to make an entry thereof in a book suitable for the purpose, to be kept in his office, free to the inspection of all persons interested, and upon the reception of a certificate of a brand, to deliver the same to the said applicant; he shall also keep free to the inspection of all persons, a copy of all the marks and brands recorded in the Territory, which shall be furnished him by the general recorder. Copies of all the recorded marks and brands shall be furnished said county clerks, upon the completion of every succeeding sheet.

Application to
be made in the
county where
the applicant
resides.

Reports to the
general office
once a month.

SEC. 7. Any person finding cattle or any animals, having recorded marks or brands, in any enclosure or other place where they may be doing damage, shall immediately secure and take good care of the same, and search diligently for the owner thereof, and restore the animal or animals to the said owner, if the same can be found, and the owner shall be liable for all reasonable costs and damages. And if said owner cannot

Stray animals
with marks and
brands.

be found after diligent search, said animal or animals may be driven to the stray pound.

On the sale of animals the brand must be reversed.

SEC. 8. It shall be the duty of every person, selling or disposing of any animal having a recorded brand to reverse the same on said animal; but if any person shall alter or deface any recorded brand on any animal, or place, or cause to be placed, his own or other brand on any animal not belonging to said individual, any person so offending, shall be subject to any or all the penalties of this act, together with further punishments, applicable to felonious offences at the discretion of the court having jurisdiction.

Penalties for altering brands.

Duty of the keeper of stray pound.

SEC. 9. Whenever any animal or animals having recorded brands are put into the estray pound, it shall be the duty of the overseer or keeper of the estray pound, to use due diligence to ascertain the owner or owners of said stock, both by reference to the record of brands and otherwise, and to notify the owner or owners of the same if known, or publish the same with the marks or brands, in four public places in the county, or some newspaper having general circulation in said county within three days from the time said stock are put in the pound.

Duties of pound keepers and public officers.

SEC. 10. It shall be the duty of the pound keepers, and it is also required of all public officers of the Territory in their respective counties or precincts, to examine all trains and droves of cattle passing through their respective counties; and if they shall find any such animal or animals having recorded brands, which said brands do not belong to the individual purporting to own said animal or animals, and the same has not been reversed thereon, to take the said animal or animals into their custody as stolen property, and advertise the owner of said brand thereof, who shall be liable for all expense and damage so incurred, if it shall appear that he has disposed of said animal or animals without reversing his brand.

Fees of clerk.

SEC. 11. The clerks of the auxiliary offices in their respective counties, shall receive and forward a fee of one dollar to the general recorder for each mark or brand applied for, as also twenty five cents for each sheet of copies of printed brands required. And he may receive the sum of twenty five cents for his own fee for every brand applied for through his office, which shall be in full for his services.

SEC. 12. The brands now recorded, and hereafter to be recorded, shall be arranged for distribution to the several counties, under the head of their several counties, so that all marks and brands owned in one county, shall be classed together, distinguishing at the head of each list, the name of the county in which they belong.

Marks & brands
classed.

SEC. 13. The pound keepers in their respective counties, shall gather up all estrays therein, and after complying with the requirements of this act in relation to seeking diligently for the owner, shall take a true description of, and value each stray remaining in his custody; and after advertising the same as herein required, devote all such estrays or the proceeds arising from the sales thereof to the benefit of the Emigrating Fund, the company of which shall pay over the appraised value of such estrays to the owner of said estrays if found after deducting all expenses and reasonable charges incurred.

Estrays, what
is to be done
with them.

SEC. 14. Any officer or individual violating any provisions of this act, shall be liable to a penalty of not less than one dollar, nor exceeding one thousand dollars, at the discretion of the court having jurisdiction thereof.

Penalties.

SEC. 15. That the general recorder shall gratuitously furnish each probate judge, county clerk, sheriff, justice of the peace, constable, and pound-keeper in this Territory, with a printed copy of all the marks and brands already recorded and printed, and a copy of all future recorded brands, so soon as practicable after they are printed; and all said copies shall be delivered to the successors in office of the above named officers, and be free to the inspection of any person wishing it.

Recorder to
furnish printed
sheets.

SEC. 16. All acts and parts of acts heretofore passed in relation to marks and brands are hereby repealed: Provided, marks and brands heretofore recorded shall be and remain valid.

Acts repealed.

Proviso.

SEC. 17. Nothing herein shall be so construed as to interfere with peaceable animals running on their accustomed range, unless they are known to be estrays, irrespective of any mark or brand.

Animals on
their range.

Approved March 1, 1852.

CHAPTER XX.

AN ACT regulating the passing and meeting of teams on the public highways.

A slow team to let a fast one pass.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That whenever it is necessary for a fast traveling team to pass a slower one, it shall be the duty of the teamster of the slow team to give the other a convenient opportunity to do so, if it can be done without endangering his own.

Teams on meeting to turn to the right.

SEC. 2. Whenever teams of any kind meet, each shall turn to the right, so as to give the other half of the traveled part of the road, whenever it can be done with safety.

Penalties.

SEC. 3. Any person neglecting to conform to the provisions of this act shall be liable to pay all damage accruing therefrom, and be fined at the discretion of the of the court having jurisdiction in the case.

Approved March 3, 1852.

CHAPTER XXI.

AN ACT to provide against disturbing Religious Meetings or Lawful Assemblies of the People.

Fine or imprisonment for disturbing religious meetings.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That any person or persons who shall wilfully disturb any religious meeting or lawful assembly of the people, by noisy or riotous actions, menaces, ludicrous language, or threats, shall be liable to arrest by any officer of the peace, and fined in any sum not less than five, nor over five hundred dollars, or imprisonment not over six months, at the discretion of the court having jurisdiction.

Approved March 3, 1852.

CHAPTER XXII.

AN ACT in relation to Profanity and Drunkenness.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That it shall be unlawful to use, with disrespect, the name of the Deity; and any person profaning the name of God shall be subject to fine, not less than two, nor more than ten dollars, or from one to five days hard labor on the public highway, at the discretion of the court.

Profaners.

Fine.

SEC. 2. Any person who shall become publicly intoxicated, so as to endanger the peace and quiet of the community, shall be liable to arrest by any officer of the peace, and fined in any sum, not less than one, nor more than ten dollars, at the discretion of the court.

Drunkenness.

Fine.

Approved, March 3, 1852.

CHAPTER XXIII.

AN ACT concerning Notaries Public.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there shall be elected by the joint vote of both houses of the Legislative Assembly, one notary public for each organized county in this Territory, whose term of office shall be two years, and until his successor is appointed and qualified, who shall exercise said office, for and within the county, in which he resides, and the counties thereunto attached for judicial purposes.

Notaries public
how appointed.

Term of office.

Jurisdiction.

SEC. 2. Each and every notary public, before he enters upon the duties of his office, shall take the oath of office, for the faithful discharge of his duties, and shall give bond with sufficient surety, to be filed in the office of the probate judge, in the penal sum of five hundred dollars, conditioned for the faithful discharge of the duties of his office.

Bond and security.

SEC. 3. In case of any vacancy by removal or resignation, the records of said notary public, together with all the papers relating to the office, shall be deposited

In case of vacancy the county clerk to take charge of records.

in the office of the county clerk, in the county in which the said notary public resides.

A failure to comply with this act incurs a fine, &c.

Duties of executor or administrator of deceased notary public.

Fine and damages for destroying papers, &c.

Protestation of notes, &c.

Notice to be given.

Record of notices, &c.

County clerks to keep records safe.

Disposition of forfeitures.

SEC. 4. And in case of neglect or refusal to comply with the requisitions of this act, and of failure to transmit such records as aforesaid, within the space of three months, the said notary public shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any executor or administrator of any deceased notary public, shall neglect to lodge such records or papers, as aforesaid, which come into his hands, in the county clerk's office, within the space of three months after the acceptance of that trust, he shall forfeit and pay a sum not less than fifty dollars, nor more than five hundred dollars; and if any person shall knowingly destroy, deface, or conceal any record or papers of any notary public, he shall forfeit and pay the above sum, and shall be moreover, liable to an action for damages by the party injured.

SEC. 5. It shall be the duty of each and every notary public, when any bill of exchange, promissory note, or other written instrument shall be by him protested, for non-acceptance or non-payment, to give notice in writing thereof to the maker, and each and every endorser of a bill of exchange; and to the maker or makers of, and each and every security or endorser of any promissory note, or other written instrument, immediately after such protest shall have been made.

SEC. 6. Each and every notary public shall keep a record of all such notices, and of the time and manner, in which the same shall have been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested; which record shall at all times, be competent evidence to prove such notices, in any trial, before any court in this Territory, where proof of such notice may become requisite.

SEC. 7. It shall be the duty of the several clerks of the county courts, to receive and keep safe all the records and papers directed by this act to be deposited in their office, and give attested copies of any of said records or papers, when required; and copies so given by the said clerk, are hereby declared to be as valid as if the same had been given by the said notaries public; all forfeitures under this act shall be, one half to the use of the Territory, and the other half to him or them.

who shall sue for the same, to be recovered in an action of debt in any court having jurisdiction of the same, in the county where such notary public shall reside.

SEC. 8. Full faith and credit shall be given to all the protestations, attestations, and other instruments of publication of all notaries public now in office, or hereafter to be elected under the provisions of this act.

Full faith in the acts of notaries public.

SEC. 9. Notaries public may also take acknowledgments of deeds, wills, bonds, &c., and do all other business pertaining to their office.

Acknowledgments of deeds &c.

Approved March 3, 1852.

CHAPTER XXIV.

A PREAMBLE and AN ACT for the further relief of Indian slaves and prisoners.

Whereas, By reason of the acquisition of Upper California and New Mexico, and the subsequent organization of the Territorial Governments of New Mexico and Utah, by the acts of the Congress of the United States, these Territories have organized Governments within and upon what would otherwise be considered Indian territory, and which really is Indian territory so far as the right of soil is involved; thereby presenting the novel feature of a white legalized government on Indian lands; and

Jan. 31, 1852,
Approved Mar.
6, 1852.

Whereas, The laws of the United States in relation to intercourse with Indians are designed for, and only applicable to territories and countries under the sole and exclusive jurisdiction of the United States; and

Whereas, From time immemorial, the practice of purchasing Indian women and children, of the Utah tribe of Indians by Mexican traders, has been indulged in, and carried on by those respective people, until the Indians consider it an allowable traffic, and frequently offer their prisoners or children for sale; and

Whereas, It is a common practice among these Indians to gamble away their own children and women; and it is a well established fact, that women and child-

Jan. 31, 1852.

ren thus obtained, or obtained by war, or theft, or in any other manner, are by them frequently carried from place to place; packed upon horses or mules; lariatied out to subsist upon grass, roots, or starve; and are frequently bound with thongs made of raw hide, until their hands and feet become swollen, mutilated, inflamed with pain, and wounded; and when with suffering, cold, hunger, and abuse, they fall sick, so as to become troublesome, are frequently slain by their masters to get rid of them; and

Whereas, They do frequently kill their women and children taken prisoners, either in revenge, or for amusement, or through the influence of tradition, unless they are tempted to exchange them for trade, which they usually do if they have an opportunity; and

Whereas, One family frequently steals the children and women of another family, and such robberies and murders are continually committed, in times of their greatest peace and amity; thus dragging free Indian women and children into Mexican servitude and slavery, or death, to the almost entire extirpation of the whole Indian race; and

Whereas, These inhuman practices are being daily enacted before our eyes in the midst of the white settlements, and within the organized counties of the Territory; and when the inhabitants do not purchase or trade for those so offered for sale, they are generally doomed to the most miserable existence; suffering the tortures of every species of cruelty, until death kindly relieves them and closes the revolting scenery:

Wherefore, When all these facts are taken into consideration, it becomes the duty of all humane and christian people to extend unto this degraded and downtrodden race, such relief as can be awarded to them, according to their situation and circumstances; it therefore becomes necessary to consider;

First, The circumstances of our location among these savage tribes under the authority of Congress, while yet the Indian title to the soil is left unextinguished; not even a treaty having been held, by which a partition of territory or country has been made, thereby bringing them into our door-yards, our houses, and in contact with our every avocation.

Second, Their situation, and our duty towards them, upon the common principles of humanity.

Third, The remedy or what will be the most conducive to ameliorate their condition, preserve their lives, and their liberties, and redeem them from a worse than African bondage; it suggests itself to your committee that to memorialize Congress to provide by some act of national legislation for the new and unparelled situation of the inhabitants of this Territory, in relation to their intercourse with these Indians, would be one resource, prolific in its results for our mutual benefit: and further, that we ask their concurrence in the following enactment, passed by the Legislature of the Territory of Utah, January 31, A. D., 1852; entitled,

Jan. 31, 1852.

AN ACT for the relief of Indian slaves and prisoners.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That whenever any white person within any organized county of this Territory, shall have any Indian prisoner, child or woman, in his possession, whether by purchase or otherwise, such person shall immediately go, together with such Indian prisoner, child, or woman, before the select men or probate judge of the county. If in the opinion of the select men or probate judge the person having such Indian prisoner, child, or woman, is a suitable person, and properly qualified to raise or retain and educate said Indian prisoner, child, or woman; it shall be his or their duty to bind out the same, by indenture for the term of not exceeding twenty years, at the discretion of the judge or select men.

Any white person having Indian prisoners shall go before probate judge or select men.

Court may bind such Indian for 20 years.

SEC. 2. The probate judge or select men shall cause to be written in the indenture, the name and age, place where born, name of parents if known, tribe to which said Indian person belonged, name of the person having him in possession, name of Indian from whom said person was obtained, date of the indenture; a copy of which shall be filed in the probate clerk's office.

Probate judge or select men write name, age &c. of prisoner in the indenture.

SEC. 3. The select men in their respective counties, are hereby authorized to obtain such Indian prisoners, children, or women, and bind them to some useful avocation.

Select men to bind out such prisoners in their respective counties.

SEC. 4. The master to whom the indenture is made, is hereby required to send said apprentice to school, if there be a school in the district, or vicinity, for the term of three months in each year, at a time when said

Master is required to send Indian prisoner 3 months each year to school.

To clothe them
comfortably.

Indian child shall be between the ages of seven years and sixteen. The master shall clothe his apprentice in a comfortable and becoming manner, according to his, said master's, condition in life.

Approved March 7, 1852.

CHAPTER XXV.

AN ACT in relation to the assembling of Indians.

Indian traders
assembling In-
dians in vicini-
ty of white set-
tlements.

Fine.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That if any Indian trader or traders, shall by any notice, or previous arrangement, assemble or cause to be assembled, any number of Indians, within the neighborhood, or immediate vicinity of any white settlement in this Territory, for the purpose of trading with them, to the annoyance of the citizens, or any neighborhood in this Territory, he shall be considered as breaking the peace, and may be proceeded against by any citizen of this Territory, in a suit at law, and may be fined in any sum not less than twenty five dollars, nor exceeding one thousand dollars, at the discretion of the court having jurisdiction.

Approved March 3, 1852.

CHAPTER XXVI.

AN ACT to regulate Surveyors and Surveying.

County survey-
ors.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the office of county surveyor, be and hereby is created; and that there shall be a county surveyor, to be elected in each county, by the qualified voters at the next general election, whose term of office shall be two years, and until his successor in office shall be qualified.

SEC. 2. The county surveyor shall before entering

upon the duties of his office take an oath of office, and give bonds, and security to be approved by the probate judge, and to be filed in the office of the clerk of the probate court.

Bond and securities.

SEC. 3. The county surveyor shall within thirty days after completing any survey, make true copies, or diagrams of the same, and transmit one to the surveyor general, and one to the county recorder; and give a certificate of such survey to the person for whom it was made, describing the tract, block or lot, and number of acres contained; and such certificate shall be title of possession to the person or persons holding the same.

Copies of survey to be transmitted to surveyor general.

See Chapter 27, Sec. 1.

Certificate.

SEC. 4. Where any survey has been made within this Territory, and the bounds cannot be identified, and disputes arise between rightful claimants, respecting said lines and bounds, the parties so in dispute, or either of them, may, by notifying the other party, of his, her, or their intention, have a re-survey of said lines so in dispute, to be re-surveyed by either the surveyor general, or the county surveyor, at the option of the party, or parties so requiring such re-survey. Should the parties or either of them be dissatisfied with such re-survey, they, or either of them, may, at his, her, or their expense, have another re-survey by both the surveyor general and county surveyor, whose duty it shall be to make the re-survey as near like the former survey as they can, and such re-survey shall be final, and establish such bounds.

First re-survey.

Second re-survey.

SEC. 5. Where any transfer shall be made of any surveyed lands, or part or parts thereof, it shall be the duty of the transferer, to certify in writing such transfer to the person to whom the transfer is made, with a full description of what part or parts, how much or length of line or lines, and number of acres, and the person or persons, to whom transferred; to legalize a claim to such land, shall within thirty days thereafter cause such transfer to be recorded in the county recorder's office.

Transfer of lands.

SEC. 6. If any surveyor shall survey land or lands for the purpose of cultivation, where to irrigate it would rob other previously cultivated lands of the needful portion of water, such last survey shall be void for cultivating purposes.

Survey may be void.

SEC. 7. Whenever a surveyor shall survey a piece of land, for a joint enclosure, he shall plot, and number

Surveyor to designate in relation to fence.

the fence around the survey, noting the length of each person's portion of fence.

Books &c., must be transferred to successor.

SEC. 8. All books, records, plots, and papers of surveys made within the Territory, kept by, and in the possession of the surveyor general appertaining to his office, are hereby made the property of the said Territory, and it shall be his duty to transmit the same to his successor in office.

SEC. 9. Surveyors' fees shall be regulated as follows:

Fees.	For surveying twenty acres, - - - - -	\$2,00
	“ thirty acres, - - - - -	2,50
	“ forty acres, - - - - -	3,00
	“ sixty acres, - - - - -	3,50
	“ eighty acres, - - - - -	4,00
	“ one hundred acres, - - - - -	4,50
	“ one hundred and twenty acres, - - - - -	4,75
	“ one hundred and sixty acres, - - - - -	5,00
	“ three hundred and twenty acres, - - - - -	6,75
	“ six hundred and forty acres, - - - - -	8,50

Proviso.

And for traveling to and from, ten cents per mile: Provided, that if more than one piece is surveyed at the same time, in the same place and journey, the traveling fees for mileage shall be apportioned according to equity: Provided, that the route to survey through shall be bad and rough, in such case, the surveyor shall be allowed to charge in proportion, to make it equal to a good route.

Governor to appoint county surveyor.

SEC. 10. The Governor is hereby authorized to appoint and commission the contemplated county surveyors of this Territory, who shall continue in office during the pleasure of the Governor, or until the next general election.

Approved March 3, 1852.

CHAPTER XXVII.

AN ACT pertaining to the duties of County Surveyors.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah; That each county surveyor shall keep a book, in which shall be

recorded all the blocks and lots of each survey by him made; also a record of all certificates by him given; which certificates shall certify the number of block and lot, with the number of acres, or square rods, in each lot, and to whom given, which when countersigned by one or more of the select men, shall be filed in the county recorder's office within thirty days from the date thereof. No certificate shall be valid, unless filed in the recorder's office, as provided for in this act. The book thus kept is hereby made the property of the county, and shall be delivered to his successor in office; said record shall be open to the inspection of any person having an interest therein.

Surveyor to keep books.

Certificate how valid.

Book the property of the county, open for inspection.

SEC. 2. It shall be the duty of each surveyor to make a sufficient corner (of stone or wood) at the southeast corner of each survey by him made, and make a record of said corner on his return diagrams.

To establish corners.

Approved January 19, 1855.

CHAPTER XXVIII.

AN ACT in relation to Utah library.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That a librarian shall be elected by a joint vote of the Legislative Assembly of the Territory of Utah, whose duty it shall be to take charge of the library, (known in law as the Utah Library) as hereinafter prescribed.

Librarian how elected.

SEC. 2. Said librarian shall hold his office during the term of two years, or until his successor is appointed, and shall give bonds for the faithful discharge of his duties in the sum of six thousand dollars, and file the same in the office of Secretary of the Territory before entering upon his duties, who may also appoint a deputy as occasion requires to act in his stead under the same restrictions as the principal librarian.

Term of office.

Qualify & give bonds.

May appoint deputy.

SEC. 3. It shall be the duty of the librarian to cause to be printed at as early a date as practicable, a full and accurate catalogue of all books, maps, globes, charts, papers, apparatus and valuable specimens in any way

Duty of Librarian.

belonging to said library; also to use diligent efforts to preserve from waste, loss or damage, any portion of said library.

Librarian to prosecute or defend in all cases where the library is a party.

SEC. 4. It shall be the duty of the librarian, for and in behalf of the Territory of Utah, to plant suits, collect fines, prosecute or defend the interests of said library, or otherwise act as a legal plaintiff or defendant in behalf of the Territory, where the interests of the library are concerned.

Library kept at the seat of government.

Who shall be permitted to use books &c. of library.

SEC. 5. The location of the library shall be at the seat of government of the Territory of Utah; and it shall be the duty of the librarian to have all the books of the library orderly and properly arranged within the library room, for the use of such officers and persons as are named in the fourteenth section of the Organic Act for Utah Territory, during each session of the Legislative Assembly of Utah: Provided, however, that nothing herein contained, shall debar the librarian, in vacation of the Legislative Assembly from permitting books, maps, and papers being drawn from said library, for professional and scientific purposes by officers of the United States, and of Utah Territory, and other citizens of Utah, where the librarian shall judge the public good may justify.

Librarian to let out books &c., keep accounts of his doings.

Make annual return to the legislature.

SEC. 6. It shall be the duty of the librarian to let out books for a specified time, and call in the same when due, inflict fines for damage or loss of books, and collect the same, and keep an accurate account of all his official doings in a book kept for that purpose, and make an annual report of the same to the Legislative Assembly of Utah: Provided, that no fine shall be excessive, or more than four times the purchase price of the book or books, for the loss or damage of which the fine may be inflicted.

Librarian draw 400 dollars from treasury of territory.

SEC. 7. The librarian is hereby entitled to draw from the treasury of Utah for the current year as compensation for his services, the sum of four hundred dollars, not otherwise appropriated; also the sum of two hundred dollars to defray the expenses of stationery, printing catalogue, and other contingencies.

Approved March 6, 1852.

CHAPTER XXIX.

AN ACT apportioning the representation of Utah Territory.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there shall be elected at the general election for eighteen hundred and fifty two, the following officers, to wit:

For representatives for Weber county, three; for Davis county, two; for Salt Lake county, twelve; for Utah county, three; for Tooele county, one; for Juab county, one; for San Pete county, one; for Millard county, one; and for Iron county, two.

Number of representatives.

SEC. 2. Be it further enacted: That at the general election for eighteen hundred and fifty-three, there shall be elected in each county in this Territory, the following number of councilors: For Weber county, two; for Davis county, one; for Salt Lake and Tooele counties, five; for Utah and Juab counties, two; for San Pete county, one; for Millard county, one; and for Iron county, one.

Number of councilors.

Approved Feb. 14, 1852.

CHAPTER XXX.

AN ACT to provide for the appointment of a Territorial Treasurer, and Auditor of Public Accounts.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That a treasurer and auditor of public accounts, shall be elected, by the joint vote of both houses of the Legislative Assembly, whose term of office shall be two years, and until their successors are elected and qualified.

Treasurer and auditor, how elected.

Term of office.

SEC. 2. The Treasurer, previous to entering upon the duties of his office, shall give bonds to the people of the Territory of Utah, in the penal sum of twenty thousand dollars; which sum shall be increased at the discretion of the Legislative Assembly, or during its recess, by the Governor, with sufficient securities, to be approved by the Governor; which bonds shall be filed in

Treasurer to give bonds.

Bonds, where
filed.

the office of the Secretary of the Territory of Utah; and shall also take an oath or affirmation, to support the Constitution of the United States, and faithfully discharge the duties of his office.

Duty of Treas-
urer.

SEC. 3. The Treasurer shall receive all moneys or other property belonging to the Territory, that may be raised by taxation, or otherwise; and shall procure suitable books in which he shall enter an account of his receipts and disbursements; to whom made, and on what account.

Shall report to
Gov.

SEC. 4. The Treasurer shall pay all moneys that may come into his hands, by virtue of his office, upon drafts or orders countersigned by the auditor of public accounts; and shall annually report to the Governor, on or before the first day of November, or oftener, if required by the Governor, a true account of his receipts and disbursements, with the necessary vouchers for the same; and shall deliver to his successor in office, all books, moneys, accounts, or other property belonging to the Territory, so soon as his successor shall become qualified.

Auditor shall
give bonds.

SEC. 5. The auditor of public accounts, previous to entering upon the duties of his office, shall give bonds to the people of the Territory of Utah, in the penal sum of five thousand dollars, which sum may be increased at the discretion of the Legislature, or during its recess, by the Governor, with sufficient securities to be approved by the Governor; and shall also take an oath or affirmation, to support the Constitution of the United States, and faithfully discharge the duties of his office.

Duty of Audi-
tor.

SEC. 6. The auditor of public accounts shall examine and audit all public accounts connected with the pecuniary affairs of the Territory, and shall report the same to the Governor, on or before the first day of November in each year, and oftener if required by the Governor, and shall deliver to his successor in office, all books, moneys, accounts, or other property, belonging to the Territory, so soon as his successor shall become qualified.

Officers shall
make report to
Auditor.

SEC. 7. It shall be the duty of all officers in the Territory, having the handling of the public funds, in either collecting or disbursing the same, to make a report to the auditor of public accounts, on or before the first day of October, in each year.

Approved January 20, 1852.

CHAPTER XXXI.

AN ACT to create the office of a County Treasurer in each county of the Territory of Utah, and to define the duties thereof.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there shall be, and hereby is created the office of county treasurer, in each county of the Territory of Utah.

SEC. 2. The treasurer shall be elected by the qualified electors of their respective counties, at the time of the general election of the Territory; whose term of office shall be four years, and until his successor shall be elected and qualified; and said treasurer, before entering upon the duties of his office, shall take an oath or affirmation, before the clerk of the county court, to support the Constitution of the United States, and the laws of this Territory; and faithfully discharge the duties of his office, and shall give bonds to the people of their respective counties; the amount of bonds to be prescribed by the county court, with security, to be approved by said court, for the faithful discharge of the duties of his office, which bonds shall be filed in the office of the clerk of the county court.

Treasurer how elected.

Shall qualify and give bonds.

SEC. 3. The county treasurer shall keep an accurate account of all moneys, or other property received, or disbursed, and shall pay over all demands, that shall be legally presented, and shall render a true account, with necessary vouchers for the same, semi-annually to the county court, or whenever it shall be called for by said court, and his office shall be kept at the county seat.

Duty of the Treasurer.

SEC. 4. The county courts are hereby authorized to appoint a county treasurer in their respective counties, who shall be qualified as provided by this act, to serve until the first general election, and until his successor shall be elected and qualified: said courts are also hereby authorized to fill any vacancy that may hereafter occur in the office of county treasurer according to the provisions of this act, whose term of office shall be till the next succeeding general election of the Territory.

Court may appoint Treas.

Approved February 3, 1852.

CHAPTER XXXII.

AN ACT in relation to Crimes and Punishment.

TITLE I.

Offences against the Territory.

Treason, punishment of. SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That whoever is guilty of treason, by levying war against the Territory, or by adhering to its enemies, giving them aid and comfort, shall be punished with death.

Misprision of treason. SEC. 2. If any person have knowledge of the commission of the crime of treason against the Territory, and conceal the same, and not as soon as may be, disclose such offence to the Governor, or some judge of the Territory, he is guilty of misprision of treason; and shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding ten years, nor less than one year.

Punishment of.

Two witnesses to convict of treason. SEC. 3. No person can be convicted of the crime of treason, unless on the evidence of two witnesses to the same overt act, or on open confession in open court.

TITLE II.

Offences against the lives and persons of Individuals.

Murder. SEC. 4. Whoever kills any human being, with malice aforethought, either expressed or implied, is guilty of murder.

Wilful murder defined. SEC. 5. All murder which is perpetrated by means of poison, or lying in wait, or any other kind of wilful, deliberate, and premeditated killing; or which is committed in the perpetration, or attempt to perpetrate any arson, rape, robbery, mayhem, or burglary, is murder of the first degree; and shall be punished with death.

Punishment.

Manslaughter. SEC. 6. Whoever commits murder otherwise than is set forth in the preceding section, is guilty of murder of the second degree; and shall be punished by imprisonment for life, or for a term not less than ten years.

Punishment.

Jury find the degree of murder. SEC. 7. Upon the trial of an indictment for murder, the jury if they find the defendant guilty, must inquire, and in their verdict declare whether he be guilty of murder in the first or second degree. But if such

defendant be convicted upon his own confession in open court, the court must proceed, by the examination of witnesses, to determine the degree of murder, and award sentence accordingly. If prisoner confess determine the degree of,

SEC. 8. Whoever fights a duel with deadly weapons, and inflicts a mortal wound on his antagonist, wherefrom death ensues, is guilty of murder of the first degree, and shall be punished accordingly. Duel, when murder.

SEC. 9 Any person who fights a duel with deadly weapons, or is present at the fighting of such duel, as aid, second, or surgeon; or advises, encourages, or promotes such duel, although death do not ensue; and any person who challenges another to fight a duel, or sends or delivers any verbal or written message, purporting, or intended to be such challenge, although no duel ensue; and any person who accepts such challenge, or who consents to act as a second, aid, or surgeon, on such acceptance, or who advises, encourages, or promotes the same, although no duel ensue; shall be fined in a sum not exceeding one thousand dollars; nor less than four hundred dollars; and imprisoned not more than three years, nor less than one year. Duel when not murder. Or aids at. Punishment.

SEC. 10. If any person vex another, or in writing or print use any reproachful or contemptuous language to, or concerning another, for not fighting a duel, or for not sending or accepting a challenge, he shall be fined not exceeding three hundred dollars, nor less than one hundred dollars, and imprisoned not more than six months, nor less than two months. Any person v. &c., for not fighting a duel. Punishment.

SEC. 11. Any person guilty of man-slaughter, shall be punished by imprisonment, not more than ten years, nor less than one year; and by fine not more than one thousand dollars, nor less than one hundred dollars. Punishment of manslaughter.

SEC. 12. If any person, with intent to maim or disfigure; cut or maim the tongue, put out or destroy an eye; cut, slit, or tear off an ear; cut, slit, or mutilate the nose, or lip; or cut off, or disable a limb, or any member of any other person, he shall be punished by imprisonment not more than five years, and by fine not exceeding one thousand dollars, nor less than one hundred dollars. Mayhem. Punishment.

SEC. 13. If any person, with force or violence, or by putting in fear; steal, and take from the person of another, any property that is the subject of larceny, he Robbery.

How punished. is guilty of robbery, and shall be punished according to the aggravation of the offence, as is provided in the following two sections.

If armed; wound, or have aiders. SEC. 14. If such offender, at the time of such robbery is armed with a dangerous weapon, with intent, if resisted, to kill or maim the person robbed; or if being so armed, he wound or strike the person robbed; or if he have any confederates aiding and abetting him in such robbery present, and so armed; he shall be punished by imprisonment for a term of not exceeding twenty-five years, and not less than ten years.

How punished. SEC. 15. If such offender commit such robbery, otherwise than is mentioned in the preceding section, he shall be punished by imprisonment not exceeding ten years, nor less than two years.

Rape. SEC. 16. If any person ravish and carnally know any female of the age of ten years, or more, by force and against her will; or carnally know and abuse any female child, under the age of ten years, he shall be punished by imprisonment for life, or not less than ten years.

How punished. SEC. 17. If any person take any woman unlawfully and against her will, and by force, menace, or duress, compel her to marry him, or any other person; or to be defiled; he shall be fined not exceeding one thousand dollars, and imprisoned not exceeding ten years.

Any person compel a woman to marry. SEC. 18. If any person unlawfully have carnal knowledge of any female, by administering to her any substance, or by any other means, producing such stupor, or such imbecility of mind or weakness of body, as to prevent effectual resistance, he shall, upon conviction, be punished as provided in the sixteenth section of this act relating to ravishment.

Rape by duress or otherwise. SEC. 19. If any person take or entice away any unmarried female from her father, mother, guardian, or other person having the legal charge of her person, for the purpose of prostitution, he shall, upon conviction, be punished by imprisonment not more than ten years, nor less than one year; or by fine not exceeding one thousand dollars, and not less than one hundred dollars.

Abduction of female minors. SEC. 20. If any person maliciously, forcibly, or fraudulently lead, take, decoy, or entice away any person with intent to detain, or conceal such person from its parent, guardian, or other person having the

Child stealing.

lawful charge of such person, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars; or by both such fine and imprisonment.

How punished.

SEC. 21. If any person seduce and debauch any unmarried woman of previously chaste character, he shall be punished by imprisonment not more than twenty years, nor less than one year; and fined not more than one thousand dollars, nor less than one hundred dollars.

Seduction.

How punished.

If before judgment upon an indictment, the defendant marry the woman thus seduced, it is a bar to any further prosecution for the offence. In case the person so offending shall marry such female as herein provided, he shall be liable, if required, to give bonds with approved securities for her maintenance.

Proviso.

May be required to give bonds.

SEC. 22. If any person wilfully and without lawful authority, forcibly, or secretly confine or imprison any other person within this Territory, against his will; or forcibly seize and confine, or inveigle, or kidnap any other person with the intent either to cause such person to be secretly confined, or imprisoned in this Territory against his will, or cause such persons to be sent out of Territory against his will, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars; or by both fine and imprisonment, at the discretion of the court.

False imprisonment.

And kidnapping.

How punished.

SEC. 23. If the father or mother of any child under the age of six years, or any person to whom such child has been entrusted or confided, expose such child in any highway, street, field, house, or outhouse, or in any other place with intent wholly to abandon it, he or she, upon conviction thereof, shall be punished by imprisonment not exceeding five years; or fined not exceeding five hundred dollars.

If parent or guardian expose or abandon a child.

How punished.

SEC. 24. If any person either verbally, or by any written or printed communication, maliciously threaten to accuse another of crime or offence; or to do any injury to the person or property of another with intent thereby to extort any money, or pecuniary advantage whatever; or to compel the person so threatened to do any act against his will, he shall be punished by imprisonment not more than two years, or by fine not exceeding five hundred dollars.

Any person through fear or otherwise procure another to do an unlawful act.

How punished.

SEC. 25. If any person assault another with intent to commit murder, he shall be punished by imprisonment

Assault.

How punished. ment not exceeding twenty years, nor less than one year, and fined at the discretion of the court.

Assault to rape. SEC. 26. If any person assault a female with intent to commit a rape, he shall be punished by imprisonment not exceeding twenty years, and fined at the discretion of the court.

Assault to rob, &c. SEC. 27. If any person assault another with intent to maim, rob, steal, or commit arson, or burglary, he shall be punished by imprisonment not exceeding eight years, or by fine not exceeding one thousand dollars; or by both fine and imprisonment at the discretion of the court.

Assault to injure. SEC. 28. If any person assault another with intent to inflict a bodily injury, he shall be punished by imprisonment not exceeding one year, or fined not exceeding five hundred dollars.

How punished. SEC. 29. If any person assault another with intent to commit any felony, or crime punishable by imprisonment, where the punishment is not otherwise prescribed, he shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars, or both at the discretion of the court.

Any person poison food, &c. SEC. 30. If any person mingle any poison with any food, drink, or medicine, with intent to kill or injure any human being; or wilfully poison any spring, well, cistern, or reservoir of water, he shall be punished by imprisonment not exceeding twenty-five years, or by fine not exceeding five thousand dollars, or both at the discretion of the court.

How punished. SEC. 31. Whoever is convicted of an assault, or an assault and battery, where no other punishment is prescribed, shall be punished by imprisonment not exceeding six months, or by fine not exceeding two hundred dollars, or both at the discretion of the court.

Any other assault and battery.

How punished.

TITLE III.

Offenses against Chastity, Morality, and Decency.

Adultery. SEC. 32. Every person who commits the crime of adultery, shall be punished by imprisonment not exceeding twenty years, and not less than three years, or by fine not exceeding one thousand dollars, and not less than three hundred dollars; or by both fine and imprisonment at the discretion of the court. And when

Penalty.

the crime is committed between parties, any one of whom is married, both are guilty of adultery, and shall be punished accordingly. No prosecution for adultery can be commenced but on the complaint of the husband or wife.

SEC. 33. If any man or woman not being married to each other, lewdly and laciviously associate, and cohabit together; or if any man or woman, married or unmarried, is guilty of open and gross lewdness, and designedly make any open and indecent, or obscene exposure of his or her person, or of the person of another, every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fine not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the court.

Lewdness.

Penalty.

SEC. 34. If any person keep a house of ill fame, resorted to for the purpose of prostitution, or lewdness, he shall be punished by imprisonment not exceeding ten years, and not less than one year, or by fine not exceeding five hundred dollars, or both fine and imprisonment. And any person who after being once convicted of such offence is again convicted of the like offence shall be punished not more than double the above specified penalties.

House of ill fame.

Punishment.

Punishment for second offence.

SEC. 35. If any person inveigle, or entice any female, before reputed virtuous, to a house of ill fame; or knowingly conceal, aid, or abet in concealing such female so deluded or enticed, for the purpose of prostitution or lewdness, he shall be punished by imprisonment not more than fifteen years, nor less than five years.

Entice a female to house of ill fame.

Penalty.

SEC. 36. If any person without lawful authority, wilfully dig up, disinter, remove, or carry any human body, or the remains thereof, from its place of interment, or aid or assist in so doing; or wilfully receive, conceal or dispose of any such human body, or the remains thereof; or if any person wilfully and unnecessarily, and in an improper manner, indecently expose those remains, or abandon any human body, or the remains thereof, in any public place, or in any river, stream, pond, or other place, every such offender shall be punished by imprisonment not exceeding one year, or by fine not exceeding one thousand dollars, or by both fine and imprisonment, at the discretion of the court.

Disintering the dead.

Or expose the remains of

Penalty.

SEC. 37. If any person torture, or cruelly beat any horse, ox, or other beast, whether belonging to himself or another, he shall be punished by fine not more than one hundred dollars.

Cruelty to animals.

Penalty.

SEC. 38. If any person import, print, publish, sell or distribute any book, pamphlet, ballad, or any printed paper containing obscene language, or obscene prints, pictures or descriptions manifestly tending to corrupt the morals of youth, or introduce into any family, school or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be punished by fine not exceeding four hundred dollars.

Penalty.

Gaming house.

SEC. 39. If any person keep a house, shop, or place resorted to for the purpose of gambling, or permit or suffer any person in any house, shop, or other place, under his control, or care, to play at cards, dice, faro, roulette, or other game for money, or other things, such offender shall be fined not more than eight hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court. In a prosecution under this section, any person who has the charge of, or attends to any such house, shop, or place, may be deemed the keeper thereof.

Penalty.

SEC. 40. If any person play at any game for any sum of money, or other property of any value, or make any bet a wager for money, or other property of value, he shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding six months.

Gaming.

Penalty.

SEC. 41. All promises, agreements, notes, bills, bonds, or other contracts, mortgages, or other securities, when the whole, or any part of the consideration thereof is for money, or other valuable thing won or lost, laid stakes, or bet, at or upon any game of any kind, or on any wager, are absolutely void, and of no effect.

All notes or obligations for gaming void.

TITLE IV.

Offenses against Property.

SEC. 42. If any person wilfully and maliciously burn the inhabited building, boat or vessel of another; or wil-

Arson and other burning.

fully and maliciously set fire to any other building, boat or vessel owned by himself, or another, by which means such inhabited building, boat or vessel is burnt; if such offence is perpetrated in the night time, or so caused to be burnt in the night time, such offender shall be punished by imprisonment for life, or any term of years; or if the crime shall have been committed in the day time, such offender shall be punished by imprisonment not exceeding thirty years.

Penalty.

SEC. 43. If any person wilfully and maliciously so burn any uninhabited dwelling house, boat or vessel, belonging to another; or any court house, or other public building; if in the night time, he shall be punished by imprisonment not exceeding twenty-five years; or if in the day time, not more than twenty years.

Other burning.

Penalty.

SEC. 44. If any person wilfully and maliciously burn, either in the night or day time, any warehouse, store, manufactory, mill, barn, stable, shop, office, out-house, or any building whatsoever of another, other than is mentioned in the preceding sections: or any bridge, lock, dam, or flue, he shall be punished by imprisonment not exceeding fifteen years, and fined not exceeding one thousand dollars.

Other house burning.

Penalty.

SEC. 45. If any person set fire to any building, boat or vessel, mentioned in the preceding sections, or to any material, with intent to cause any such building to be burnt, he shall be punished by imprisonment not exceeding ten years, or fined not more than five hundred dollars.

Attempt to burn.

Punishment.

SEC. 46. If any person wilfully and maliciously burn, or otherwise destroy or injure any pile or parcel of wood, boards, timber, or other lumber; or any fence, bars or gate; or any stack of grain, hay, or other vegetable product severed from the soil, and not stacked; or any standing trees, grain, grass, or other standing product of the soil of another, he shall be punished by imprisonment not more than five years, or by fine not more than five hundred dollars; or both fine and imprisonment, at the discretion of the court.

Burning other property.

Penalty.

SEC. 47. The preceding sections under this title severally extend to a married woman, who commits either of the offences therein described, though the property burnt or set fire to may belong wholly or in part to her husband.

Extends to married women.

SEC. 48. If any person break and enter any dwelling house in the night time, with intent to commit the

Burglary with intent to rob.

crime of murder, rape, robbery, larceny, or any other felony; or after having entered with such intent, break any such dwelling house in the night time, any person being then lawfully therein, such offender shall be punished according to the aggravation of the offence, as provided in the following two sections.

If armed shall assault or has aiders.

Penalty.

SEC. 49. If such offender, at the time of committing such burglary, is armed with a dangerous weapon, or so arm himself after having entered such dwelling house, or actually assault any person being lawfully therein; or have any confederates present aiding and abetting in such burglary, he shall be punished by imprisonment for life, or any term of years.

If burglary be otherwise committed.

SEC. 50. If such offender commit such burglary otherwise than is mentioned in the preceding section, he shall be punished by imprisonment not exceeding twenty-five years.

Breaking open warehouse, &c.

Penalty.

SEC. 51. If any person with intent to commit a felony in the day time, break and enter, or in the night time enter without breaking any dwelling house, or at any time break and enter any office, shop, store, warehouse, boat or vessel, or any building in which goods are kept for use, sale or deposit, he shall be punished by imprisonment not more than ten years, or by fine not more than five hundred dollars, or both fine and imprisonment.

TITLE V.

Larceny.

Larceny defined

SEC. 52. If any person steal, take, and carry away of the property of another, any money, goods, or chattels, any writ, process, or public record, any bond, bank note, promissory note, bill of exchange, or other bill, order or certificate, or any book of accounts respecting money, goods, or other things or any deed, or writing containing a conveyance of real estate, or any contract in force, or any receipt, release, or defeasance, or any instrument, or writing whereby any demand, right, or obligation is created, increased, extinguished, or diminished, he is guilty of larceny, and shall be punished, when the value of the property stolen exceeds the sum of twenty dollars, by imprisonment not more than ten years; and when the value of the property stolen does not exceed the sum of twenty dollars, by fine not ex-

Penalty.

ceeding two hundred dollars, or imprisonment not exceeding one year.

SEC. 53. If any person commit the crime of larceny by stealing from any building that is on fire, or stealing any property that is removed in consequence of an alarm caused by fire, or by stealing from the person of another, he shall be punished by imprisonment not exceeding fifteen years, nor less than one year.

Larceny in alarm of fire.

Penalty.

SEC. 54. If any person falsely personate, or represent another, and in such assumed character receive any money or property intended to be delivered to the party so personated, with intent to convert the same to his own use, he is guilty of larceny, and shall be punished accordingly.

False personation.

Shall be larceny.

SEC. 55. If any person come by finding to the possession of any personal property, of which he knows the owner, and unlawfully appropriate the same, or any part thereof, to his use, he is guilty of larceny, and shall be punished accordingly.

Property found if finder makes use.

Penalty.

SEC. 56. If any officer entrusted with the collection, safe keeping, transfer, or disbursement of the public funds, unlawfully convert them, or any part thereof to his own use, every such act is an embezzlement of so much as is thus taken, converted, used, or unaccounted for, and the person so offending shall be punished by imprisonment not exceeding five years, and fined in a sum equal to the amount embezzled. And moreover, he is for ever after disqualified from holding any office under the laws of this Territory.

Embezzlement of public funds.

Penalty.

SEC. 57. If any other person to whom any money, goods, or other property which may be the subject of larceny, has been entrusted as clerk, agent, or carrier, embezzle, or fraudulently convert to his own use, any such money, goods, or other property, he is guilty of larceny, and shall be punished accordingly.

Embezzlement of other property.

Shall be larceny.

SEC. 58. If any person buy, receive, or aid in concealing any stolen money, goods, or any property, the stealing of which is declared to be larceny, or property obtained by robbery or burglary, knowing the same was so obtained, he shall be punished by imprisonment, not more than five years, or fine not more than five hundred dollars, or both fine and imprisonment at the discretion of the court.

Accessory to embezzlement.

Penalty.

SEC. 59. If any person having been before convicted of larceny, afterwards commit another larceny, and be

Second conviction of larceny shall be deemed a common thief.

Penalty.

Shall apply to accessories.

Third conviction.

Penalty.

Shall not be accessory to a former trial.

Value of the books embezzled ascertained.

thereof convicted; or if any person at the same term of court is convicted of, as principal or as accessory after the fact in three distinct larcenies, he is deemed a common and notorious thief, and shall be punished by imprisonment not less than five years. The provision of this section shall apply to the buyer, receiver, or concealer of money, goods, &c., as mentioned in the preceding section; and if any person is convicted three distinct times, at the same term of the court, or as above mentioned in case of a common and notorious thief, he shall be punished in the same manner.

SEC. 60. In any prosecution for the offence of buying, receiving, or aiding in the concealment of property so obtained, it shall not be necessary to aver, or to prove on the trial thereof, that the person who stole, robbed, or took the property, has been convicted.

SEC. 61. If the property stolen consist of any bank note, bond, bill, covenant, bill of exchange, draft, order or receipt, or any evidence whatever, or any public security, or any instrument whereby any demand, right, or obligation may be assigned, transferred, created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event or contingency might be collected thereon, or the value of the property transferred, or effected, as the case may be, shall be adjudged the value of the thing stolen.

TITLE VI.

Of Forgery and Counterfeiting.

Forgery and counterfeiting defined.

SEC. 62. If any person with intent to defraud, falsely make, alter, forge, or counterfeit any public record, or any process, issued or purporting to be issued by any competent authority, or any pleading or proceeding filed or entered in any court of law or equity; or any attestation, or certificate of any public officer, or other person, in relation to any matter wherein such attestation or certificate is required by law, or may be received, or be taken as legal proof, any charter, deed, will, testament, bond, writing obligatorn, power of attorney, letter of credit, policy of insurance, bill of lading, bill of exchange, promissory note, or any order, acquittance, discharge, or accountable receipt for money, or other valuable thing, or any acceptance of any bill of ex-

change, promissory note or order, or of any debt or contract, or any other instrument in writing, being or purporting to be the act of another, by which any pecuniary demand, or obligation, or any right or interest in or to any property whatever is or purports to be created, increased, transferred, conveyed, discharged, or diminished, he shall be punished by imprisonment not more than ten years. Penalty.

SEC. 63. If any person utter and publish as true, any record, process, certificate, deed, will, or any other instrument of writing, mentioned in the preceding section, knowing the same to be false, altered, forged, or counterfeited, with intent to defraud, he shall be punished by imprisonment, not exceeding fifteen years, and fined not more than one thousand dollars. Utter any record.
Penalty.

SEC. 64. If any person with intent to defraud, falsely make, utter, forge, or counterfeit any note, certificate, bond, warrant, or other instrument, being public security for money, or other property issued or purporting to be issued by authority of this or any other Territory, or any State of the United States, or any indorsement or other writing, purporting to transfer the right or interest of any holder of such public security, he shall be punished by imprisonment not more than twenty years, nor less than five years. Counterfeit or forge notes or public document.
Penalty.

SEC. 65. If any person make, alter, forge, or counterfeit any bank bill, promissory note, draft, or other evidence of debt issued or purporting to be issued by any corporation or company duly authorized for that purpose by any State or Territory of the United States, or any other government or country, with intent to injure or defraud, he shall be punished by imprisonment not more than ten years, or by fine not more than one thousand dollars. Forge any issue of any corporation, state, or territory.
Penalty.

SEC. 66. If any person has in his possession any forged, counterfeited, or altered bank bill, promissory note, draft, or other evidence of debt issued or purporting to be issued, as is mentioned in the preceding section, with intent to defraud, knowing them to be so forged, counterfeited, or altered, he shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars. Any person having in his possession any of the above.
Penalty.

SEC. 67. If any person utter or pass or tender in payment as true, any false, altered, forged or counterfeited note, certificate, bond, warrant, or other instrument Any person offer to pass any bond.

Penalty.

of public security, or any bank bill promissory note, draft, or other evidence of debt, issued or purporting to be issued, by any corporation or company, duly authorized as heretofore mentioned, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud, he shall be punished by imprisonment not more than ten years, or fine not exceeding one thousand dollars.

Engrave for the purpose of forging of any kind.

SEC. 68. If any person engrave, make or mend, or begin to engrave, make or mend any plate, block, press, or other tool, instrument, or implement, or make or provide any paper or other materials adapted, and designed for the forging, or making any false and counterfeit note, certificate, bond, warrant, or other instrument of public security for money, or other property of this or any other Territory or State of the United States, or any bank bill, promissory note, draft, or other evidence of debts issued or purporting to be issued by any corporation or company, and every person who has in his possession any such plate or block engraved in any part or any press or other instrument or implement, paper, or other material adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used in forging, or making any such false and forged certificates, notes, bonds, warrants, public securities, or evidences of debts, shall be punished by imprisonment not more than five years, nor less than one year.

Penalty.

Counterfeit any gold coin over 20 dollars.

SEC. 69. If any person forge, or counterfeit any gold or silver coin, current by law or usage within this Territory, and if any person have in his possession at the same time to the amount of twenty dollars or more, of false money or coin, counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter or pass the same as true, he shall be punished by imprisonment not exceeding ten years, nor less than one year.

Penalty.

Have in his possession less than 20 dollars.

SEC. 70. Any person who has in his possession any amount less than twenty dollars of counterfeit coin or false money, mentioned in the preceding section, knowing the same to be false or counterfeit, with intent to utter or pass the same as true; and any person who utters or tenders in payment any false and counterfeit coin, knowing the same to be false and counterfeit,

shall be punished by imprisonment not more than eight years, or fined not more than one thousand dollars. Penalty.

SEC. 71. If any person fraudulently connect together different parts of several given bank bills, notes or other instruments in writing, so as to produce one instrument; or alter any note or instrument in writing in a matter that is material, with intent to defraud, the same shall be declared forgery in like manner as if such bill or note, or other instrument had been forged and counterfeited, and the offender shall be punished accordingly. Connecting parts of bank bills.
Penalty.

SEC. 72. If any fictitious or pretended signature of an officer or agent of any corporation be fraudulently affixed to any instrument of writing, purporting to be a note, draft, or other evidence of debt issued by such corporation, with intent to utter or pass the same as true, it is forgery, though no such person may ever have been an officer or agent of such corporation, nor such corporation have ever existed; every person guilty of this offence shall be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars. Fictitious signatures.
Penalty.

SEC. 73. The total or partial erasure, or obliteration of any record, process, certificate, deed, will, or any other instrument in writing mentioned in this division, with intent to defraud, shall be deemed a forgery, and the offender shall be punished by imprisonment not more than five years, or fined not exceeding one thousand dollars. Partial erasure of signature.
Penalty.

SEC. 74. If any person having been convicted of either of the offences mentioned in sections from 64 to 70 in this division, be afterwards convicted of a like offence; or if any person at the same term of court, be convicted of three such distinct offences, he shall be punished by imprisonment not exceeding ten years, nor less than three years. Persons being convicted of the above.
Penalty.

SEC. 75. If any person cast, stamp, engrave, make, or mend, or have in his possession any mould, die, press or other instrument or tool, adapted and designed for forging or counterfeiting of any coin before mentioned, with intent to use the same, or permit the same to be used for that purpose, he shall be punished by imprisonment not more than five years, or by fine not more than one thousand dollars. Having in possession dies &c.
Penalty.

Having counterfeit coin of other country. SEC. 76. If any person forge or counterfeit any gold or silver coin of any foreign government or country, with the intent to export the same to injure or defraud any such government, or the citizens thereof; he shall be punished by imprisonment not exceeding ten years.

Penalty.

Counterfeit seal of this territory. SEC. 77. Any person who is convicted of having forged, counterfeited, or falsely obtained the great seal of the Territory, or the seal of any public office authorized by law; or the seal of any court, corporation, city or county; or who falsely makes, forges, or counterfeits any impression purporting to be the impression of any such seal, with intent to defraud, shall be punished by imprisonment not exceeding ten years.

Penalty.

TITLE VII.

Offences against Public Justice.

Perjury defined. SEC. 78. If any person on oath or affirmation lawfully administered, wilfully and corruptly swear, or affirm falsely to any material matter in any proceeding in any court of justice, or before any officer thereof, or before any tribunal or officer created by law, or in any proceeding, or in regard to any matter or thing in or respecting which an oath or affirmation is or may be required or authorized by law, he is guilty of perjury, and shall be punished, if the perjury was committed on the trial of a capital or felonious crime, by imprisonment for life, or any term of years not less than ten; and if committed in any other case, by imprisonment not more than ten years, nor less than two years: Provided, that any person who by wilful and corrupt perjury or subornation of perjury, shall procure the conviction and execution of any innocent person, shall be deemed and adjudged guilty of murder of the first degree and punished accordingly.

Penalty.

If capital case, penalty.

Proviso.

Subornation. SEC. 79. If any person endeavor to incite or procure another to commit perjury, he is guilty of subornation of perjury, and shall be punished as provided in the preceding section.

Attempt to suborn. SEC. 80. If any person endeavor to incite another to commit perjury, though no perjury be committed, he shall be punished by imprisonment not more than five

years, or by fine not more than five hundred dollars. Penalty

SEC. 81. If any person give, offer, or promise to any executive or judicial officer, or member of the Legislative Assembly, any valuable consideration, gratuity, service, or benefit whatever, with intent to influence his act, vote, opinion, or judgment in any matter, question, cause, or proceeding, which may be pending, or which may legally come, or be brought before him in his official capacity, he shall be punished by imprisonment not more than five years, or by fine not more than one thousand dollars. Attempt to bribe any officer.
Penalty.

SEC. 82. If any executive or judicial officer, or member of the Legislative Assembly accept any valuable consideration, gratuity, service, or benefit whatever, or any promise to make the same, or to do any act beneficial to such officer or member under the agreement, or with the understanding that his vote, opinion, decision, or judgment, shall be given in any particular manner, or upon any particular side of any question, cause, or other proceeding, which is, or may by law be brought before him in his official capacity, or that in such capacity he will make any particular nomination or appointment, he shall be imprisoned not more than ten years, or be fined not more than two thousand dollars, or fine and imprisonment at the discretion of the court. Any officer receive any bribe.
Penalty.

SEC. 83. Any person who is convicted under either of the two preceding sections, shall for ever afterwards be disqualified from holding any office under the laws of this Territory. Person convicted as above.

SEC. 84. If any person give, offer, or promise any valuable consideration or gratuity whatever to any one summoned, appointed, or sworn as juror, or appointed or chosen arbitrator, or umpire, or referee, or to any appraiser of real or personal estate, or any public officer, with intent to influence the opinion or decision of any such person in any matter, inquest; or cause, which may be pending or can legally come before him, or which he may be called on to decide in either of said capacities, he shall be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars. Bribe or offer to any juror.
Penalty.

SEC. 85. If any person mentioned or referred to in the preceding section, shall take or receive any such valuable consideration or gratuity whatever, to give his Person above referred to receive such value.

verdict, award, or report, in favor of any particular party in a matter for the hearing or decision of which such person has been summoned, appointed, or chosen as aforesaid, he shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars, or by both fine and imprisonment at the discretion of the court.

Penalty.

SEC. 86. If any marshal, sheriff, deputy sheriff, constable, or other officer, receive from a defendant, or any other person, any money or other valuable thing, as a consideration, or inducement for omitting or delaying to arrest any defendant, or to carry him before a magistrate or to prison, or for postponing, delaying, or neglecting to perform any thing pertaining to the duties of his office, he shall be punished by imprisonment not more than one year, or fine not more than five hundred dollars.

Marshal or other officer receive and delay to perform his duty.

Penalty.

SEC. 87. If any officer wilfully neglect or refuse to serve any process, or delay or omit to execute such process, whereby any person charged with crime, or any criminal escape, he shall be punished by imprisonment not more than one year, or by fine not exceeding one thousand dollars, or both fine and imprisonment, at the discretion of the court.

Officer neglects to perform duty.

Penalty.

SEC. 88. If any person having knowledge of the commission of any offence punishable with death or imprisonment for life, take any money or valuable consideration or gratuity, or any promise therefor, upon an agreement or understanding expressed or implied, to compound or conceal such offence, or not to prosecute the same, or not to give evidence thereof, he shall be punished by imprisonment not more than one year, or by fine not exceeding four hundred dollars, or both fine and imprisonment, at the discretion of the court.

Misprision of felony for reward in capital cases.

Penalty.

SEC. 89. If any person having knowledge of the commission of any offence punishable with imprisonment for a limited term of years, is guilty of the offence described in the preceding section, he shall be punished by imprisonment not more than one year, or by fine not exceeding four hundred dollars, or both fine and imprisonment at the discretion of the court.

Misprision of felony in case not capital.

Penalty.

SEC. 90. If any jailor or other officer voluntarily suffer any prisoner in his custody to escape, if upon charge or conviction of capital offence, he shall be punished by imprisonment not more than ten, nor less than

Jailor suffer prisoner in a capital offence to escape.

one year; or if it be upon charge or conviction of a felony other than a capital offence, he shall be punished by imprisonment not more than eight years, or by fine not more than one thousand dollars.

Penalty.
In case of felony.
Penalty.

SEC. 91. If any jailor or other officer voluntarily suffer any prisoner upon charge or conviction of any public offence to escape, he shall be fined not more than five hundred dollars, or imprisoned not exceeding one year, or both fined and imprisoned.

If upon charge of public offence.
Penalty.

SEC. 92. If any person by any means whatever, aid or assist any prisoner lawfully detained in the custody of any officer, or in any place of confinement for any felony or misdemeanor, in an attempt to escape, whether such escape be effected or not; or forcibly rescue any person held in legal custody upon any criminal charge, he shall be punished by imprisonment not more than ten years, or fine not more than one thousand dollars, or both fine and imprisonment.

Aid the escape of prisoner.
Or attempt.

SEC. 93. If any prisoner convicted of any crime, and sentenced to imprisonment for a less term than for life, shall break his confinement, and escape from custody, he shall be punished by imprisonment not exceeding five years, to commence from and after the expiration of the original term of his imprisonment.

Penalty.
If prisoner escape.
Penalty.

SEC. 94. If any person shall knowingly and wilfully resist or oppose any officer of this Territory, or any person authorized by law, or any court, in serving or attempting to serve or execute any legal writ, will, order or process whatsoever, he shall be punished by imprisonment not exceeding one year, or by fine not more than one thousand dollars, nor less than one hundred dollars, or both fine and imprisonment, at the discretion of the court.

Resisting officers or attempt to.
Penalty.

SEC. 95. If any person being lawfully required by any marshal, sheriff, constable, or other officer, wilfully neglect or refuse to assist him in the execution of his office, in any criminal case, or in any case of escape or rescue he shall be punished by imprisonment not exceeding six months, or fine not more than one hundred dollars.

Persons neglect or refuse to assist officer.
Penalty.

SEC. 96. If any judge, justice of the peace, clerk of any court, sheriff, constable, attorney or counselor at law, encourage, excite, or stir up any suit, quarrel, or controversy between two or more persons, he shall be punished by fine not exceeding five hundred dollars,

Barratry.
Penalty.

and shall be answerable to the party injured in treble damages sustained in consequence thereof.

Misdemeanor.

SEC. 97. When any duty is, or shall be required by law of any public officer, or of any person holding any public trust or employment, every wilful neglect to perform such duty, where no special provision has been made for the punishment of such delinquency is a misdemeanor.

SEC. 98. When the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the doing of such act is a misdemeanor.

Penalty.

SEC. 99. Any person who is convicted of a misdemeanor, the punishment of which is not otherwise prescribed by any statute, shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or by both fine and imprisonment.

False returns of officers.

SEC. 100. If any public officer fraudulently make or give false returns, entries, certificates, or receipts in cases where returns, entries, certificates, or receipts are authorized by law, he shall be fined not exceeding five hundred dollars, or imprisoned not more than one year, or both at the discretion of the court.

Penalty.

TITLE VIII.

Malicious Mischief.

Maiming animals.

SEC. 101. If any person maliciously kill, maim, or disfigure any horse, cattle, or other domestic beast of another, or maliciously administer poison to any such animals; or expose any poisonous substances, with intent that the same should be taken by them, he shall be punished by imprisonment not exceeding one year, or fine not exceeding three hundred dollars.

Penalty.

Altering land marks.

SEC. 102. If any person maliciously take down, injure, or remove any monument erected, or any tree marked as a boundary of any tract of land, city, or town lot, or destroy, deface, or alter the marks of any monument or tree made for the purpose of designating such boundary, he shall be punished by imprisonment not more than one year, or by fine not more than two hundred dollars, or fine and imprisonment at the discretion of the court.

Penalty.

SEC. 103. If any person maliciously injure, deface, or destroy any building or fixture attached thereto, or wilfully and maliciously injure, destroy, or secrete any goods, chattels, or valuable paper of another, or maliciously prepare any dead fall, or dig any pit, or set any gun, or arrange any other trap to injure another's person or property, he shall be imprisoned not more than one year, or fined not exceeding five hundred dollars, or both fined and imprisoned at the discretion of the court; and is liable to the party injured in a sum equal to three times the value of the property so destroyed or injured, or damage sustained in a civil action.

Destroying goods, digging pits, &c.

Penalty.

TITLE IX.

Offenses against Public Health.

SEC. 104. If any person knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer; or if any person adulterate fraudulently, for the purpose of sale, any substance intended for food, or any wine, spirituous or malt liquor, or other liquor intended for drinking, he shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars, or both fine and imprisonment; and the article so adulterated shall be forfeited and destroyed.

Selling unwholesome provisions or liquors.

Penalty.

SEC. 105. If any person fraudulently adulterate for the purpose of sale, any drug or medicine, in such manner as to lessen its efficiency, or change the effect or operation of such drugs or medicine, or to make them injurious to health; or sell them knowing they are thus adulterated, he shall be punished by imprisonment not more than one year, or fined not more than five hundred dollars, or both at the discretion of the court, and such adulterated drugs and medicines shall be forfeited and destroyed.

Adulterated drugs.

Penalty.

SEC. 106. If any apothecary, druggist, or other person, sell and deliver any arsenic, corrosive sublimate, prussic acid, or any poisonous liquid or substance without having the word "poison," and the true name thereof written or printed upon a label attached to the vial, box, or parcel containing the same, he shall be punished by fine not exceeding five hundred dollars,

Selling poisons.

Penalty.

and imprisoned not more than one year, or both at the discretion of the court.

Against admin-
istering un-
known medi-
cines or poisons

SEC. 107. If any doctor, physician, apothecary, or any other person, shall give, communicate, or administer, or by their influence, counsel, advice, persuasion, suggestion, or by any means whatsoever, give, or cause to be given by themselves directly or indirectly, or through the aid or medium of any other person or persons, agency, or means whatever, any deadly poison, whether animal, mineral, or vegetable, such as quicksilver, arsenic, antimony, or any mercurial, arsenical, antimonial preparations therefrom; or cicuta, deadly night shade, hen-bane, opium, or any of the diversified preparations therefrom; or any drugs, medicines, and other preparations, such as chloroform, ether, exhilarating gas calculated in their nature to destroy sensibility, from any other poisonous minerals or vegetables, to any citizen of the Territory of Utah, whether sick or well, old or young, man, woman, or child, under pretence of curing disease, or from any other real or pretended cause, influence, argument, or from any design or purpose whatsoever, without first explaining fully, definitely, critically, simply, and unequivocally to the patient, and surrounding friends and relatives, such as father, mother, husband, wife, children, guardian, or others as the case may be, and in plain, simple, English language, the specific nature, operation, and design of said poison, or poisonous preparation, about to be, or intended to be given, and procuring the unequivocal approval, approbation and consent of the patient, if of mature years, and sound mind, and of the parents, guardians, or other friends, to the giving, administering, or communicating said poison so intended, said doctor, physician, apothecary, person or persons so administering said poison, without the full and free assent of said patient and friends, shall be adjudged guilty of a high misdemeanor, and be punishable in any sum not less than one thousand dollars, and be imprisoned or confined to hard labor for any time not less than one year; and if the death of the patient or person so receiving the poison as above specified, shall follow the taking of the same, without being made acquainted with the nature thereof, then the doctor, physician, apothecary, person or persons so giving or causing to be given said poison, shall be adjudged guilty of man-

without ex-
plaining the
same,

and have their
approval.

Free assent.

Penalty.

Said persons
shall be guilty
of manslaughter.

slaughter or murder, as the case may be, by any court having jurisdiction, and be punished according to law for such crimes: Provided, that the administration of poisons as specified in the forepart of this section, and the penalties thereof shall not attach to doctors, physicians, and apothecaries, having their own drugs, poisons and medicines, accompanying, and administering to companies and individuals traveling through the Territory; the same not being citizens of the Territory; but all such doctors and companies so traveling may administer to, and receive of their own drugs, poisons, or medicines, with good intent, on their own responsibility.

Proviso.

TITLE X.

Offenses against the Public Peace.

SEC. 108. If two or more persons voluntarily or by agreement engage in any fight, or use blows or violence toward each other in an angry or quarrelsome manner, in any public place to the disturbance of the peace, they are guilty of an affray, and shall be punished by imprisonment not more than three months, or fine not more than fifty dollars.

Affray.

SEC. 109. When three or more persons together, and in a violent or tumultuous manner, commit an unlawful act, or together do a lawful act in an unlawful, violent, or tumultuous manner, to the disturbance of others, they are guilty of riot, and every such offender shall be punished by imprisonment not more than one year, or by fine not more than five hundred dollars.

Penalty.

Riot.

Penalty.

TITLE XI.

Justifiable Killing and the prevention of Public Offenses.

SEC. 110. Lawful resistance to the commission of a public offence, may be made by the party about to be injured, or by others. Resistance sufficient to prevent the offence may be made by the party about to be injured, first to prevent an offence against his person; second, to prevent an offence against his wife, child, father or mother, brother or sister; third, to prevent an illegal attempt by force to take or injure property in his lawful possession.

Lawful resistance in defense of person or others.

Other person
may.

SEC. 111. Any other person in aid or defence of the person about to be injured, may make resistance sufficient to prevent the offence.

Justifiable hom-
icide defined.

SEC. 112. If any person shall kill another in his own defence, as above provided, or in a sudden heat of passion caused by the attempt of any such offender to commit a rape upon his wife, daughter, sister, mother, or other female relation or dependant; or to defile the same, or when the defilement has actually been committed, or in defence of his habitation against any person who attempts to enter in a violent, tumultuous, or riotous manner, or offers any personal violence to any inmate thereof, either dwelling or being therein, shall be deemed justifiable homicide.

A fear not jus-
tify the killing.

SEC. 113. A bare fear of any of these offences being about to, or having been committed, shall not be sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person, and that the party killing, really acted under the influence of those fears, and not in a spirit of revenge.

If officer when
resisted kills,
when justified.

SEC. 114. If an officer in the execution of his office in a criminal case, having a legal process, be resisted and assailed, he shall be justified if he kill the assailant. If any officer or private person attempt to take a person charged with treason, murder, rape, burglary, robbery, arson, perjury, forgery, counterfeiting, or other crime known, denominated felony by the law, and he or they be resisted in the endeavor to take the person accused, and to prevent the escape of the accused by reason of such resistance, he or she be killed, the officer or private person so killing, shall be justified.

Shall consist in
unavoidable
necessity.

SEC. 115. Justifiable homicide may also consist in unavoidable necessity, without any will, or desire, and without any intention or negligence in the party killing. An officer who, in the execution of public justice puts a person to death in virtue of a judgment of a competent court of justice, shall be justified; the officer must however proceed in the performance of his duty, according to the direction of the court, and the law of the land.

Unfortunately
kills shall be
justified.

SEC. 116. Excusable homicide, by misadventure, is when a person in doing a lawful act without any intention of killing, yet unfortunately kills another, as when a man is at work with an axe, and the axe flies off the handle, and kills a bystander, it is only a misadventure, and all other instances which stand upon the same foot-

ing of reason and justice as those enumerated, shall be considered justifiable or excusable homicide. The homicide appearing justifiable or excusable, the person indicted shall, upon his trial, be fully acquitted and discharged.

TITLE XII.

General definition and provision as to Crimes and Offences.

SEC. 117. Public offences are divided into felony and misdemeanors. A felony is an offence punishable with death, or imprisonment for a term of one year or more; every other offence is a misdemeanor. No person can be punished for a public offence except upon legal conviction in a court having jurisdiction thereof. All criminal prosecution shall be commenced and carried on in the name of "the people of the United States in the Territory of Utah."

Felony and misdemeanor.

Prosecutions, how commenced.

SEC. 118. No person shall be subject to a second prosecution for a public offence for which he has been once prosecuted, and legally convicted or acquitted.

No person subject to second trial.

SEC. 119. Words importing the singular number only may be extended to several persons or things; and words importing the plural number only may be applied to one person or thing; and words importing the masculine gender only may be extended to females. All words and phrases shall be construed according to the context, and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such peculiar and appropriate meaning.

Definition of terms and constructions.

SEC. 120. A private person, who has arrested another for the commission of a public offence, must without unnecessary delay, take him before a magistrate, or deliver him to a peace officer.

A private person may arrest another.

SEC. 121. There is no distinction between an accessory before the fact, and a principal, in the commission of a public offence, whether they directly commit the act constituting the offence, or aid and abet in its commission, though not present, they must be indicted, tried, and punished as principals. An accessory after the fact may be indicted, tried, and punished, though the principal be neither tried nor convicted.

Accessory before the fact.

After the fact, how punished.

SEC. 122. Upon a trial for enticing or taking away an unmarried female of previously chaste character,

Enticing a female away.

On trial for
rape, party may
testify.

for the purpose of prostitution, or aiding or assisting therein, or for seducing and debauching any unmarried woman of previously chaste character, or on trial for rape, or attempt to commit rape, the testimony of the party injured being corroborated by the attending circumstances, tending to convict the defendant of the commission of the offence shall be deemed sufficient.

Court may con-
fine prisoner to
ball and chain
and labor.

SEC. 123. When a person is convicted of a public offence, the punishment for which is imprisonment, the court may direct that he wear a ball and chain, and that he perform hard labor during the term of his imprisonment.

No bar to civil
suit.

SEC. 124. No conviction and consequent punishment of imprisonment and fine shall be any bar to a civil suit for damages.

Mode of pun-
ishment.

SEC. 125. When any person shall be convicted of any crime, the punishment of which is death according to the provisions of this act, and sentenced to die, said person shall suffer death by being shot, hung, or beheaded, as the court may direct, or the person so condemned shall have his option as to the manner of his execution.

Approved March 6, 1852.

CHAPTER XXXIV.

AN ACT providing for the bridging of Ditches or Sects leading across the Highways.

Any person tak-
ing water out
of channel.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That if any person or persons shall have taken, or may hereafter take water out of the natural stream or sect, where it is wont to flow, and conduct the same or any part thereof across any public highway or road, by means of a ditch or sect, any person or persons so conducting water, shall be required to make or cause to be made a good and sufficient culvert or gravel ford or bridge over such ditch or sect, and keep the same in repair where the

Make good
bridge.

same crosses any such public road or highway, to the acceptance of the supervisor of the district where the ditch or sect shall have been made.

SEC. 2. If any person or persons so conducting water, shall neglect or refuse to make the necessary bridge, culvert or ford, agreeably to the provisions of this act, then it shall be the duty of the supervisor to make, or cause to be made, a suitable bridge, culvert, or ford across the ditch or sect at the expense of the person or persons so offending, and may recover the same by a suit at law, before any court having jurisdiction in the matter.

Supervisor to make bridge at the expense of person.

Approved March 3, 1852.

CHAPTER XXXV.

AN ACT to provide for the further Organization of the Militia of the Territory of Utah.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the militia of the Territory of Utah shall consist of one Legion, to be called the Nauvoo Legion.

Nauvoo Legion

SEC. 2. The Nauvoo Legion shall be commanded by a lieutenant general, who shall be elected by a majority of the votes given of the commissioned officers of said Legion, and commissioned by the Governor.

Lient. General.

In case of a vacancy occurring in the office of lieutenant general, the ranking major general shall take command until the vacancy is filled.

Vacancy of.

All elections for filling the office of lieutenant general shall be ordered by the Governor.

SEC. 3. The organization of said Legion into divisions, brigades, regiments, battalions, companies, and districts, shall be carried out under the direction of the lieutenant general.

Organization under Lt. Gen.

SEC. 4. The staff of the lieutenant general shall consist of heads of departments, as hereinafter provided for, —three aides with the rank of colonel, two topographical engineers with the rank of colonel, a military secretary with the rank of lieutenant colonel, and two chaplains.

Staff of Lt. Gen.

Adj't. Gen. de-
partment of.

SEC. 5. The adjutant general shall have the rank of brigadier general; and in his department there shall be to each division, a division inspector with the rank of colonel; to each brigade a brigade inspector, to serve also as a brigade major, with the rank of major; and to each regiment, separate battalion, and district, an adjutant with the rank of captain.

Commissary
Gen. depart-
ment of

SEC. 6. The commissary general of subsistence shall have the rank of brigadier general; and in his department there shall be to each division, a division commissary with the rank of colonel; to each brigade, a brigade commissary with the rank of major; and to each regiment, separate battalion and district, a commissary of subsistence, with the rank of first lieutenant.

Qr. Master Gen.
department of.

SEC. 7. The quartermaster general shall have the rank of brigadier general; and in his department there shall be so many military store keepers, for the safe keeping and the preserving of the Territorial fortifications and military stores, belonging to this Territory, as the lieutenant general may find it necessary to appoint, not exceeding one to each district.

Paymaster Gen.
department of.

SEC. 8. In the paymaster general's department there shall be a paymaster general with the rank of colonel; to each division a division paymaster with the rank of major; to each brigade a brigade paymaster with the rank of captain; and to each regiment, separate battalion, and district, a paymaster with the rank of first lieutenant.

Surgeon Gen.
department of.

SEC. 9. In the hospital department, there shall be a surgeon general with the rank of colonel; to each division a surgeon of division with the rank of lieutenant colonel; to each brigade a surgeon of brigade with the rank of major; to each regiment a surgeon with the rank of captain; and to each separate battalion and district, a surgeon's mate with the rank of second lieutenant.

Color depart-
ment.

SEC. 10. In the color department there shall be two color bearers general with the rank of captain; and to each regiment and separate battalion two serjeant color bearers.

Music depart-
ment.

SEC. 11. In the music department there shall be a chief of music with the rank of colonel; and to each regiment, separate battalion, and district, a principal musician, with the rank of serjeant major.

SEC. 12. There shall be to each regiment a serjeant major and a quartermaster serjeant.

SEC. 13. The chief of each staff department shall, under the direction of the lieutenant general, have command over all subordinate officers in his department, and shall, from time to time, issue orders and instructions for their government and practice.

Staff department.

SEC. 14. It shall be the duty of the adjutant general to furnish the subordinate officers of his department, and the chief of each of the other departments, all blank forms of returns, precepts, warrants, and proceedings necessary in each department at the expense of the Territory.

Duty of Adj. Gen.

SEC. 15. Heads of departments shall be appointed by the lieutenant general.

SEC. 16. Division and brigade inspectors and commissaries of subsistence shall be appointed by the commanders of the divisions and brigades from the officers of the line in their respective commands and shall constitute their staff. Military store keepers shall be appointed by the lieutenant general. Adjutants and commissaries of subsistence of regiments, separate battalions, and districts, shall be appointed by the commanders of such from the officers of the line in their respective commands. Division, brigade, regimental, battalion, and district surgeons and paymasters shall be appointed by the respective commanders of the divisions, brigades, regiments, separate battalions, and districts, to which they are attached, subject to the approval of the lieutenant general.

Brigade inspectors and commissaries how appointed.

Other staff officers how appointed.

SEC. 17. It shall be the duty of the adjutant general to keep in his office a correct rank roll of all the officers of the legion; together with musterrolls of all musters made throughout the legion, as well as a record of all property in charge of the several heads of departments, and the proceedings of the departments, together with a full and correct report of all expeditions, and the expenses accruing thereon.

Duty of Adj. Gen.

SEC. 18. It shall be the duty of heads of departments to furnish the adjutant general, on or before the first day of April and the first day of October in each year, with a full and correct report of all proceedings and expenditures in their respective departments, together with a report and description of all property in charge of themselves and the subordinate officers of their departments.

Duty of heads of departments.

SEC. 19. It shall be the duty of commanders of

Duty of commanders.

divisions and brigades, of regiments and separate battalions not attached to brigades or divisions, and of districts, to furnish the adjutant general with correct reports and muster rolls of all company and other musters and drills, within twenty days after such muster or drill. And, on failing so to do, such commander shall be liable to fine or dismissal, or to be cashiered, at the discretion of a general court martial. And it shall also be the duty of such commanders to report all officers under their command who shall neglect or refuse to make said reports and return said rolls to them within the specified time; and such delinquent officer shall be fined, dismissed, or cashiered, at the discretion of a general court martial.

Divisions how officered.

SEC. 20. A division shall consist of not less than two nor more than four brigades; and may be composed of one brigade of cavalry and one brigade of infantry. And to each division there shall be one major general, one division inspector, one division commissary, one division paymaster, one surgeon of division, and two chaplains.

Brigade how officered.

SEC. 21. A brigade of cavalry, artillery, light artillery, infantry or riflemen, shall consist of not less than two nor more than four regiments; and to each brigade of infantry there shall be attached one company of artillery; and to each brigade of cavalry, one company of light artillery. To each brigade there shall be a brigadier general, one brigade inspector, one brigade commissary, one brigade paymaster, one surgeon of brigade, and one chaplain.

Regiment.

SEC. 22. A regiment of cavalry, artillery, light artillery, infantry, or riflemen, shall consist of not less than four nor more than eight companies; and to each regiment of infantry there shall be two uniform companies, which will supply the place of grenadiers and riflemen. To each regiment there shall be one colonel, one lieutenant colonel, one major, one adjutant, one commissary of subsistence, one paymaster, one surgeon, one chaplain, one sergeant major, one quartermaster sergeant, one principal musician, and two sergeant color bearers.

How officered.

Separate battalion; how officered.

SEC. 23. A separate battalion of cavalry, artillery, light artillery, infantry, or riflemen, shall consist of not less than two nor more than four companies. To each separate battalion there shall be one major, one adju-

tant, one commissary of subsistence, one paymaster, one surgeon's mate, one principal musician, and two sergeant color bearers.

SEC. 24. A company of cavalry shall consist of not less than twenty-five nor more than fifty-seven privates; To each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one third lieutenant, four sergeants, four corporals, and two buglers.

Cavalry company; how officered.

SEC. 25. A company of artillery, light artillery, infantry, or riflemen, shall consist of not less than forty-one, nor more than eighty-nine privates. To each company of artillery, light artillery, infantry, or riflemen, there shall be one captain, one first lieutenant, one second lieutenant, one third lieutenant, four sergeants, four corporals, and two musicians.

Artillery company; how officered.

SEC. 26. The Nauvoo Legion is hereby divided into military districts, as follows, to wit:

Nauvoo Legion

1st. The Great Salt Lake Military District shall include all the militia within the boundaries of Great Salt Lake City.

2nd. The Davis Military District shall include all the militia within the limits of Davis County.

How divided

3rd. Weber Military District shall include all the militia within the limits of Weber county.

4th. The Western Jordan Military District shall include all the militia in Great Salt Lake county west of the Jordan river.

into military

5th. The Tooele Military District shall include all the militia within the limits of Tooele county.

6th. The Cottonwood Military District shall include all the militia in Great Salt Lake county, south of the south line of Great Salt Lake City and east of the Jordan river.

7th. The Utah Military District shall include all the militia in Utah county.

8th. The San Pete Military District shall include all the militia within the limits of San Pete county.

9th. The Pauvan Military District shall include all the militia within the limits of Millard county.

districts

10th. The Iron Military District shall include all the militia within the limits of Iron county.

11th. The Green River Military District shall include all the militia within the limits of Green River county.

Districts; how
commanded.

SEC. 27. Where a battalion, regiment, brigade, or division, or more, is organized within a military district, the ranking officer shall have command of the district. But where such an organization does not exist, in consequence of the too great distances between companies, then the lieutenant general shall appoint an officer to take command of the district, subject to the election and reception of the district, whose rank shall be in proportion to the number of companies therein. If there be no more than one company in the district, then the captain shall be the commander of the district.

Duty of commanders of districts.

SEC. 28. It shall be the duty of commanders of districts to divide their districts into company districts, and cause that every male citizen within the bounds of such company district, between the ages of eighteen and forty-five years, (except such as are exempt by law,) shall be enrolled by the captain of the company, and shall perform military duty according to the requirements of this act: Provided, that no citizen having previously and voluntarily enrolled himself in any other company, and who continues to perform military duty in such company, shall be compelled to be enrolled in such company district.

Proviso.

Company musters.

SEC. 29. There shall be a muster and inspection of arms of each company as often as two days in each year, on their own company parade grounds, at such times as the lieutenant general or district commanders may order.

Duty of staff and other officers.

SEC. 30. It shall be the duty of all general, regimental and staff officers to be on parade on the days of all company musters and drills in their respective commands, to encourage and set example to the companies, and see that a uniformity of discipline is carried out throughout the whole, as may be directed by the lieutenant general; and to do and perform such duties as may be assigned them by the lieutenant general, or their district commanders, compatible with their respective ranks.

Delinquencies.

SEC. 31. Any non-commissioned officer, musician, or private, failing to attend any muster provided for by law, and not remaining at the same for the time appointed, and not having his arms, accoutrements and ammunition, as required by law, shall be liable to forfeit and pay not exceeding the sum of three dollars.

SEC. 32. All commissioned company officers, for an

offence of like nature shall forfeit and pay not exceeding the sum of six dollars.

SEC. 33. All general and regimental officers, either field or staff, for an offence of like nature, shall forfeit and pay not exceeding the sum of twelve dollars. Officers.

SEC. 34. All fines, forfeitures and penalties accruing as herein contemplated, shall be collected before courts martial, detailed as follows, to wit: Courts Martial

From company officers, non-commissioned officers, musicians and privates, before a battalion, regimental or district court martial.

From regimental, field and staff officers and non-commissioned staff officers, before a brigade court martial; or if no brigade is organized in the district, before a district court martial.

From general and staff officers of brigades and divisions before a general court martial.

From commanders and staff officers of districts before a general court martial.

SEC. 35. For the purpose of warning the non-commissioned officers, musicians and privates to any parade or place of rendezvous, required by law, the commandant of each company shall issue his warrant under his hand, to his lieutenants and non-commissioned officers, requiring them respectively to warn all persons within their respective prescribed beats, subject to military duty, enrolled in his company, or within the bounds of his company district, not enrolled in any other company, or all persons named in the warrant, to appear at such parade or place of rendezvous, armed and equipped as the law directs. Duty of commanders of companies.

SEC. 36. Each lieutenant or non-commissioned officer, to whom such warrant is directed, shall warn every person whom he shall be therein required to warn, by reading the warrant or stating the substance thereof in the hearing of such person; or if such person be absent, by leaving a notice thereof at his usual place of abode, with some person of suitable age and discretion, or affixing the same on the outer door of the house, in case no person can be found therein. Duty of other company officers.

SEC. 37. Such lieutenant or non-commissioned officer shall deliver the warrant to his commandant with a return thereon of all persons, by him warned, and the manner of warning them respectively certified to. Further duties.

SEC. 38. Such commandant shall deliver the warrant

and return, together with his own return of delinquents and delinquencies, to the president of the proper court martial.

SEC. 39. The return of such lieutenant or non-commissioned officer, so certified to, shall be as good evidence on the trial of any person, returned as a delinquent, of the facts therein stated, as if such officer had testified to the same before the court martial on such trial.

SEC. 40. Every commandant of a company shall make the like return, and with like effect, of every delinquency and neglect of duty of his lieutenants or non-commissioned officers, either in not attending on parade, or not executing or returning a warrant to them directed, or not obeying the orders of their commanding officers.

SEC. 41. Any commissioned officer of a company may, without a warrant, warn any or all of the persons subject to military duty enrolled in, or within the beat of the company, not enrolled in any other company, to appear at any parade or place of rendezvous. Such warning may be given by him either personally, or by leaving or affixing a notice in the same manner as if given under the warrant of the captain of the company; and his certificate shall be received by any court martial as legal evidence of such warning.

SEC. 42. All tavern-keepers, keepers of boarding-houses, persons having boarders in their families, and house-keepers, upon their being thereto requested by the commandant of the company within the district limits of which they reside, or by the lieutenant or non-commissioned officer of any such company, having a warrant from such commanding officer, to warn persons to attend any parade, shall give to such commanding officer, lieutenant, or non-commissioned officer, a true account of all persons lodging or boarding with them, and of their names, if known, to the end that such persons as are liable to do military duty, may be warned to rendezvous according to law.

SEC. 43. If any person, of whom such account is so demanded, shall refuse to give such account and names, or wilfully give a false account, he shall forfeit and pay twenty five dollars.

SEC. 44. For the purpose of preserving order on the day of parade, the militia shall be considered as under

Returns of delinquents.

Returns.

Enrollments.

Tavern keepers to give account of persons.

Give false account.

Exempt from civil arrest.

arms from the rising of the sun till its setting on the same day, and shall be exempt from arrest on civil process during that time.

SEC. 45. Every commandant of a company may put under guard and return to the president of the proper court martial the names of all persons in the company who shall have discharged fire-arms on such day within one mile of such parade, without the order or permission of a commissioned officer of their respective company, and also arrest or put under guard, and return the names of every commissioned or non-commissioned officer, musician or private, who shall, on such day, refuse or neglect to obey the orders of his superior officer, or to perform such military duty or exercise as may be required, or depart from his colors, post or guard, or leave the ranks without permission from his superior officer; or who shall appear on parade wearing a false face, or other unusual or ludicrous articles of dress, or any arms, weapons, or other implements or things not required by law, and which are calculated to interrupt the peaceable and orderly discharge of duty. Discharge of fire arms.

SEC. 46. Any commander, officer of division, brigade, regiment, separate battalion, district, or company present at any parade, is hereby authorized to put under guard or commit to prison for the day, any person or persons who shall, upon or near any parade ground, field, public highway, or any other place occupied by the militia under arms, by means of ludicrous disguises, dress, arms, and instruments, or by any other means disturb the peaceable and orderly proceedings of those under arms. Disturb the peace.

SEC. 47. All fines that shall be imposed by any brigade, regimental, battalion, or district court martial, shall be reported by the president of the court martial to the officer ordering it, or to his successor in command, within ten days after such fines shall have been imposed. And the officer ordering the court, or his successor in command, shall give written notice within twenty days after the imposition of the fines (ten days being allowed after such imposition to take an appeal) to the president of the court martial, of the penalties and fines which shall have been by him remitted or mitigated, and of the appeals which shall have been made from his decision; if of a separate battalion, or regimental court martial, to the commandant of the brigade or district; Fines. Appeals.

if of a brigade court martial to the commandant of the division or district; and if of a court martial of a district or of a division, to the lieutenant general, which shall be the channel of appeal in all trials by courts martial.

Collection of
fines.

SEC. 48. For the purpose of collecting fines, the president of the court shall, within ten days after the receipt of the written notice aforesaid, make a list of all the persons of whom fines are to be collected, designating the company to which they respectively belong, the sums imposed as fines on each person, and the persons who shall have taken an appeal, and shall draw his warrant under his hand and seal, directed to any constable of any city or county (as the case may be) thereby commanding him to levy such fine or fines, together with his costs, of the goods and chattels, of such delinquents; and if any such delinquent shall be under age, and live with his father or mother, master or mistress, then to levy such fine or fines, with the costs, of the goods and chattels of such father or mother, master or mistress, as the case may be.

Duty of con-
stable.

SEC. 49. Every such constable to whom any such list and warrant shall be directed and delivered, may execute the same by levying and collecting the fines, or by taking the body of the delinquent, in any city, town, or county in this Territory, and shall make return thereof, within twenty days from the receipt of such warrant, to the president who issued the same.

The execution of such warrant shall be suspended as to those persons who shall have taken an appeal, until the further order of such commandant. If the constable shall not be able to collect the fines or take the bodies within the twenty days prescribed, then the president issuing the warrant may, at any time thereafter, within three years from the time of imposing the fines, issue a new warrant against any delinquent, or renew the former warrant from time to time as it may become necessary.

Responsibility
of officers.

SEC. 50. Division, brigade, regimental, battalion, and district commanders, ordering courts martial, are hereby held responsible that all fines, collected by virtue of the decision of such courts martial, shall be paid into the public treasury of the Territory; and are moreover held responsible for the amount of fines failing to be collected through their negligence.

TITLE SECOND.

Miscellaneous Provisions.

SEC. 51. The battalion of Life Guards in Great Salt Lake county shall be an independent battalion, not attached to any brigade or division, and shall be subject at all times to the call of the Governor and Lieutenant General. Life guards.

Said corps may adopt such rules for the regulation of equipage, size of horses, uniform, or any rules for the benefit of said corps, that will not contravene any legislative enactment, and subject to the approval of the lieutenant general.

SEC. 52. Said battalion may assemble for muster and drill eight days in each year, six days of which shall be as specified by the commandant of the battalion. When may drill.

Fines for delinquencies at such musters shall be the same as assessed for delinquencies in other company musters.

SEC. 53. Commandants of companies of grenadiers, riflemen, or any other uniform or volunteer company, may, with their consent, call out their respective companies, not to exceed five days in the year, in addition to the musters and drills provided by law for the whole militia of the Territory; subject to the same fines as for other company musters provided by law; and may also adopt such rules as will be wholesome and beneficial to their respective companies, and will not contravene any legislative enactment. Other companies may call out musters.

SEC. 54. Precedence of companies in regiments or separate battalions, and of regiments or separate battalions in brigades or districts shall be governed by superiority of discipline, and by regularity of attendance on parades, independent of letter of company, number of regiment, or date of commanding officer's commission; and shall be decided: of companies by regimental or battalion commanders, and of regiments or separate battalions, by brigade or district commanders, subject to reference to the lieutenant general. Precedence of companies.

SEC. 55. All fines collected for additional company musters other than what is provided for the whole militia, may be appropriated for the benefit of the company, separate battalion or regiment in which the fine is collected. Fines for additional musters.

lected, in providing said company, separate battalion or regiment, with colors, music, or such other decorations or equipments as may be for the general good of the company.

Fines, how appropriated. SEC. 56. All fines not otherwise provided for, shall be paid into the public treasury of the Territory, and shall be appropriated to procure blanks of returns, rolls, &c., required in the several military departments, for the establishment of a military school, or for such other purposes that may tend to promote the general welfare of the military cause as the lieutenant general may direct.

TITLE THIRD.

Miscellaneous Provisions.

District musters. SEC. 57. In addition to the musters and drills of companies, two days in the year, there shall be a muster, drill, and inspection of arms, of district commands one day, between the first day of May and the last day in September in each year; the time, and service to be performed, to be prescribed by the lieutenant general or district commander.

SEC. 58. All officers of militia shall be commissioned by the Governor.

Non-commissioned officers appointed. SEC. 59. Non-commissioned company officers shall be appointed by the commanders of companies, and may be removed by them without consent of a court martial.

Officers elected. SEC. 60. All commissioned officers (staff officers excepted) shall be elected by a majority of the votes given of the commands to which they are attached.

Commissions, how received. SEC. 61. Commissions of officers shall be forwarded to the persons for whom they are intended, as soon as issued, by the adjutant general; and it shall be the duty of all persons receiving the same, to acknowledge such receipt by letter as soon as received, and state his acceptance or non-acceptance of the same. If the appointment and commission are not accepted, the commission shall immediately be returned.

Power of courts martial. SEC. 62. Commanders of divisions, brigades, regiments, separate battalions, or districts, may call courts martial for the trial of all officers, non-commissioned officers, musicians, and privates, in their respective commands, and shall have power to enforce, mitigate,

or repeal the decisions of such courts martial: *Proviso.*
 provided, that no capital punishment shall be inflicted, nor a
 commissioned officer dismissed or cashiered, by the sen-
 tence of said courts martial.

SEC. 63. Resignations of officers shall be sent to *Resignations.*
 their respective battalion, regimental, brigade, division,
 or district commanders, and may be accepted by them,
 subject to the approval of the lieutenant general: *Proviso.*
 provided, that the name of the officer presenting such re-
 signation shall be continued on the rolls with the
 appropriate remarks opposite his name until the mind of
 the lieutenant general is known on the subject: *Proviso.*
 provided further, that in case the acceptance of the resigna-
 tion of an officer by such commander, is not approved
 by the lieutenant general, said officer shall be continued
 in his office, subject to the same rules, laws and regula-
 tions as formerly.

SEC. 64. When an officer shall leave the limits of
 his district, to be absent for a longer term than one year, *Vacancies how*
 the lieutenant general may, on application of two thirds *filled.*
 of the officers of the command to which such absent of-
 ficer belonged, cause an election to be held in the com-
 mand, for another to fill his place; and immediately on
 such election being held, the commission of the absent
 officer shall become void, and the name of the person
 appointed to supply his place, shall occupy the place of
 his name on the rolls; otherwise his name shall be re-
 tained, and he may at any future time resume his post
 in the command.

SEC. 65. When a commissioned or non-commission-
 ed officer, musician or private is accused of a capital *Accusation of*
 offence, it shall be the duty of the accuser to prefer his *capital offence.*
 charge in writing, on affirmation, and present it to the
 commanding officer of the district, separate battalion,
 regiment, brigade or division to which the accused be-
 longs; or if such commanding officer is himself the ac-
 cuser, the charge shall be made out by him in the same
 manner; and such original charge shall be forwarded
 by said commanding officer, with his suggestions, or
 remarks and signature, to the adjutant general's office.
 It shall be the duty of the lieutenant general, within
 thirty days after the receipt of such charge at the adju-
 tant general's office to order a general court martial, to
 consist of not more than twenty-three, nor less than
 nine members, to be detailed as equally from the sev-

Proviso.

eral districts of the Legion, as the good of the service will allow, for the investigation of the case and the trial of the accused: Provided, that nothing herein contained shall be so construed as to prevent courts of inquiry being called in the respective districts, separate battalions, regiments, brigades, or divisions, for the investigation of any charge preferred against any officer, non-commissioned officer, musician, or private, in such command.

SEC. 65. It shall be the duty of every officer, non-commissioned officer, musician, or private, preferring a charge against another, to accompany such charge with a specification which will contain a full and explicit explanation of the offences of which the accused is charged.

TITLE FOURTH.

Further provisions for the organization and regulation of the Music Department.

Band of music.

SEC. 67. The lieutenant general may raise and organize a band, which shall consist of not more than fifty members, and shall be officered by a captain, and to every sixteen members, one lieutenant and one sergeant.

Cavalry band.

SEC. 68. The brigadier general of each brigade of cavalry, may raise and organize a band with brass instruments, which shall consist of not more than twenty-five members, and shall be officered by a captain, a first lieutenant, and an orderly sergeant, subject to the order of the division or district commander.

Infantry band.

SEC. 69. The brigadier general of each brigade of infantry may raise and organize a band, with such instruments as will be suitable for the use and service of the corps, which shall consist of not more than twenty-five members, and shall be officered by a captain, a first lieutenant, and an orderly sergeant, subject also to the orders of the division or district commander.

SEC. 70. The bands herein provided for shall be subject to the same rules, laws, and restrictions, as other volunteer companies of the Legion.

Band of company musicians.

SEC. 71. Company musicians shall be subject to the same rules, laws, restrictions, &c., as non-commissioned company officers, at company muster or drills.

When regiments or separate battalions are consolidated, it shall be the duty of the principal musicians of the respective regiments or battalions, to consolidate and take charge of the company musicians, which, when consolidated, shall form the regimental or battalion band of the regiment or battalion to which they belong.

SEC. 72. It shall be the duty of the chief of music to furnish each chief of the band, and each principal musician in his department with a copy of all the calls, marches, and quicksteps, to be uniformly used throughout the Legion: the expense of which shall be paid out of the Territorial treasury. And it shall further be his duty to see that the same calls are adopted correctly and uniformly throughout the Legion.

Chief of music,
duty of.

TITLE FIFTH.

Miscellaneous Provisions.

SEC. 73. It shall be the duty of commanders of districts to furnish the adjutant general with certified copies of all orders issued by them, or by division, brigade, regimental, or separate battalion commanders in their districts, as well as with the proceedings and results of all courts martial, called and held in their districts, and with all papers and communications that may be of service in preserving a full and correct history of the Legion.

Commanders
furnish reports.

SEC. 74. The adjutant general shall perform the duties of inspector general; and it shall be his duty to inspect the troops of each district, at least once in each year, unless otherwise ordered by the lieutenant general.

Duty of Adj.
Gen.

SEC. 75. All free male citizens of this Territory, shall be subject to military duty, within thirty days after their arrival in any military district of the Territory; except the Governor, Secretary of the Territory, Judges of the supreme, district, and probate courts, select men, members and officers of both houses of the Legislature, within twenty days before and after each sitting of the Legislature; the United States marshal and attorney; and such others as may be exempted by the Governor, and have received a certificate of exemption from the adjutant general.

Subject to military duty, except.

TITLE SIXTH.

Miscellaneous Provisions.

Erection of
storage.

SEC. 76. The quartermaster general is hereby authorized and instructed to take measures immediately for the erection of a suitable building for the storage and preservation of the public arms, ammunition, wagons, and other ordnance, camp equipage, and property designed for the use and benefit of the Legion; and also to cause said property, arms, &c., to be put in immediate repair. And he is further authorized to draw on the Territorial treasury, for the necessary amount to be expended in accomplishing the same.

Officers give
bonds.

SEC. 77. The adjutant general, the quartermaster general, commissary general, and all others entrusted with public property, are hereby required to give bonds with approved security, which bonds with security to be approved by the Territorial Secretary, and filed in his office, conditioned for the faithful discharge of their duties.

Power of Lt.
Gen.

SEC. 78. The lieutenant general shall have power to increase or lessen the limits of military districts, and organize new districts: also to give instructions, when necessary, for the enrollment and organization of new companies, and make such arrangements for the general good of the Legion, as he may find necessary, which will be compatible with the provisions of the law.

SEC. 79. All acts, heretofore passed, not compatible with the provisions herein contained, are hereby repealed.

Approved, Feb. 5, 1852.

CHAPTER XXXVI.

AN ACT in relation to the inspection of Spirituous Liquors.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there

shall be, and hereby is created the office of a territorial Inspector.
 inspector of spirituous liquors.

SEC. 2. The territorial inspector of liquors, shall be Gov. appoint.
 appointed by the Governor, and may be removed at
 pleasure.

SEC. 3. All spirituous liquors manufactured or im- Liquors inspec-
 ported into this Territory, before being offered for sale, tion.
 shall be inspected by the territorial inspector of liq-
 uors, or his deputy.

SEC. 4. It shall be the duty of the inspector of liq- Inspect and
 uors, or deputy to inspect and prove all liquors that he prove liquors.
 may be called to prove or guage, &c., and attach his
 mark or seal on the vessels containing the same.

SEC. 5. Be it further enacted, That Sykes Hydrom- Sykes hydrom-
 eter and Scale adopted by the British Board of Excise, eter.
 July 2nd, 1816, be, and is hereby adopted as the stand-
 ard for the proving spirits, in the Territory of
 Utah.

SEC. 6. All spirits shall be deemed of the strength Shall denote.
 which Sykes Hydrometer denotes them.

SEC. 7. Any person selling spirituous liquors, that Selling liquors
 have not been inspected and approved by the inspector not inspected.
 or deputy, according to the provisions of this act, shall
 forfeit and pay any sum not exceeding five hundred dol- Penalty.
 lars for every such offence, at the discretion of the
 court having jurisdiction, to be paid into the territorial
 treasury.

Approved Feb. 5, 1852.

CHAPTER XXXVII.

AN ACT locating the county seat of Davis County.

SEC. 1. Be it enacted by the Governor and Legisla- County seat
 tive Assembly of the Territory of Utah: That the coun- where located.
 ty seat of Davis county shall be, and is hereby located
 at North Cottonwood creek in said county.

SEC. 2. It shall be the duty of the county court to County court
 locate the site for said county seat on said creek, at the shall locate.
 most eligible point, who shall also cause a survey of the Survey how
 same to be made, and record the plot thereof in the re- made.

corder's office; a copy of which record shall also be returned to the surveyor general's office at the seat of government.

SEC. 3. That said county seat shall be, and hereby is known by the name of Farmington.

Approved Feb. 18, 1852.

CHAPTER XXXVIII.

AN ACT to provide for the Organization of Millard County, and to name the Seat of Government.

Boundary.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That that portion of Iron county known as Pauvan valley, is hereby formed into a county, to be called Millard county. Said county to contain the limits of Pauvan valley.

County how organized.

SEC. 2. Be it further enacted, that Anson Call is hereby appointed to organize said county; and it is hereby made his duty to organize the same, according to the provisions of an ordinance to provide for the organization of Iron county, passed by the Legislature of Deseret, December third, one thousand eight hundred and fifty.

Seat of government.

SEC. 3. The seat of government of the Territory, in said county, shall be called Fillmore city.

Approved October 4, 1851.

CHAPTER XXXIX.

AN ACT defining the Boundaries of Counties.

Weber county, boundary of

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of the Territory bounded north by Oregon, east by the meridian, passing through a point where the Weber river enters a kanyon about four miles below

the ford on emigration road, south by the parallel of latitude, through the junction of the county road and the head waters of Rocky creek, being about two miles south of the mouth of Weber river kanyon, and west by California, is hereby included within the limits of Weber county.

SEC. 2. All that portion of the country, bounded north by Weber county, east by the dividing range of mountains at the head of the streams running towards the Salt Lake, south by the parallel of latitude, running through the hot springs and west by the eastern shore of Salt Lake, is hereby included within the limits of Davis county.

Davis county,
boundary of.

SEC. 3. All that portion of the Territory, bounded north by Weber county, east by the western shore of the Salt Lake, south by the parallel of latitude, forming the southern boundary of Davis county, and west by California,—is hereby called Desert county; and is attached to Weber county for election, revenue, and judicial purposes.

Desert county,
boundary of.

Attached to
Weber county.

SEC. 4. All that portion of the Territory, bounded north by Oregon, east by the Territorial line, south by the parallel, forming the southern line of Davis county, and west by Weber and Davis counties,—is hereby called Green River county, and is attached to Great Salt Lake county for election, revenue, and judicial purposes. The sheriff of Great Salt Lake county, is hereby authorized to organize Green River county, whenever the inhabitants of said county shall call for such organization; or circumstances may render it expedient.

Green river co.
boundary of.

Attached to G.
S. L. county.

SEC. 5. All that portion of the Territory, bounded north by Davis and Green River counties, east by the Territorial line, south by the parallel of latitude, running through the Hot Spring at the foot of the Utah mountain, and west by the south-eastern shore of the Salt Lake, and the meridian passing through the Black Rock,—is hereby included within the limits of Great Salt Lake county.

G. S. L. county
boundary of.

SEC. 6. All the islands included in Great Salt Lake, and south of Weber county line, are hereby attached to Great Salt Lake county for election, revenue, and judicial purposes.

SEC. 7. All that portion of country, bounded north by Great Salt Lake county, east by the Territorial line, south by the parallel of latitude, passing along the sum-

Utah county,
boundary of.

mit of the dividing ridge between Juab and Utah valleys, where the state road crosses said summit, and west by the meridian, forming the western boundary of Great Salt Lake county,—is hereby included within the limits of Utah county.

TOOELE'S county, boundary of. SEC. 8. All that portion of the Territory, bounded on the north by Desert county and the southern shore of the Salt Lake, east by Great Salt Lake and Utah counties, south by the parallel, forming the southern boundary of Utah county, and west by California,—is hereby called Tooele county.

JUAB county, boundary of. SEC. 9. All that portion of the Territory, bounded north by Tooele and Utah counties, east by the meridian, passing through the highest summit of Mount Nebo, south by the parallel of latitude, passing through the ford on Sevier river, and west by California, is hereby declared to be Juab county.

MILLARD county, boundary of. SEC. 10. All that portion of country, bounded north by Juab, east by the meridian line, forming the eastern boundary of Juab, south by latitude $38^{\circ} 30'$, and west by California,—is hereby called Millard county.

SAN PETE county, boundary of. SEC. 11. All that portion of the Territory, bounded north by Utah county, east by the Territorial line, south by latitude $38^{\circ} 30'$, and west by Juab and Millard counties,—is hereby declared to be within the limits of San Pete county.

IRON county, boundary of. SEC. 12. All that portion of the Territory, bounded north by Millard and San Pete counties, east by the Territorial line, south by latitude $37^{\circ} 30'$, and west by California,—is hereby called Iron county.

WASHINGTON county, boundary of. SEC. 13. All that portion of the country, south of Iron county, and included in the Territory, is hereby declared to be Washington county, and is, moreover, attached to Iron county for election, revenue, and judicial purposes; and the sheriff of Iron county is hereby authorized to organize Washington county when the public good may require it.

When crimes may be tried in any county near by. SEC. 14. If any uncertainty, or dispute shall arise, as to what county a crime has been committed in, any county near by, or within the vicinity of the place where such crime is alleged to have occurred, is hereby authorized to have jurisdiction in the case.

Approved March 3, 1852.

CHAPTER XL.

AN ACT granting the control of waters from Mill creek, in Great Salt Lake county unto Willard Richards.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Willard Richards have the exclusive right of taking the water out of the natural channel of Mill Creek, and any convenient point below where the said waters are now used for irrigation or mill purposes, and of conveying the same across the higher lands in a more southerly direction, to western Jordan, there to discharge the same; or if the said Willard Richards think proper, he may continue the said waters in a northerly direction, down the east bank of said river, as far as he may consider them useful for irrigation or other purposes, and control the same.

Willard Richards have right to take out water.

Approved Feb. 3, 1852.

CHAPTER XLI.

AN ACT granting waters of Mill Creek unto President Brigham Young.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the privilege is hereby granted unto President Brigham Young, to take the waters from the channel of Mill Creek immediately below Neff's mill, and convey the same to the channel of Big Canyon creek, agreeably to the provisions of the act passed in the General Assembly of the State of Deseret, Jan. 15, 1850.

B. Young take waters out of Mill creek.

Approved Feb. 5, 1852.

CHAPTER XLII.

AN ACT for the improvement of Big Canyon Creek road.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Territorial road commissioner be, and is hereby authorized and required to locate a road from some convenient point on the east line of Great Salt Lake City, thence easterly up the Big Canyon Creek, thence over the second mountain, twenty miles east of Great Salt Lake City, and extending to the farther end of East Canyon.

Road Commissioner to locate road.

SEC. 2. That said commissioner be, and is hereby authorized and required to grant contracts to individuals or companies, who shall be the lowest responsible bidders in said contracts, for the improvement of said road.

Commissioner let contracts.

SEC. 3. That the said commissioner, be and is hereby authorized, and required to grant to the improvers of said road the privilege of erecting one toll gate for the purpose of collecting funds from all persons passing and repassing, to remunerate the improvers of said road, until they shall have collected one hundred per cent. on all their expenditures which have been appropriated to said roads.

Toll gate.

SEC. 4. That the rates of toll over said road shall be as follows, viz.:

For every load of wood, timber, coal, rock, or lime, drawn by two animals	- - -	\$0,25
For every such load drawn by four or more animals,	- - -	0,37½

For the Traveling Community.

For every wagon or carriage drawn by two animals, each	- - -	1,00
For every additional pair of animals to such wagon or carriage, -	- - -	50
Loose animals, (excepting sheep and hogs,) each,	- - -	10

SEC. 5. Said road shall be made and kept in repair to the acceptance of the territorial road commissioner.
Approved Feb. 16, 1852.

CHAPTER XLIII.

AN ACT in relation to the waters of American Creek in Utah County.

21

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the inhabitants of the settlement of Dry Creek in Utah county are hereby authorized and allowed to take out at some convenient point, the waters of American Creek, and use the same for their benefit: Provided, that no more than one-third part of said waters shall be so taken for the use of said settlement on Dry Creek.

Water taken from American creek to Dry creek.

Approved Feb. 18, 1852.

CHAPTER XLIV.

AN ACT creating the office of Code Commissioners and prescribing their duties.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the office of code commissioners be, and the same is hereby created, to consist of three members, whose term of office shall continue three years, and until their successors are duly appointed and qualified.

Office of Code commissioner created.

Term of office.

SEC. 2. The Governor shall nominate, and, by and with the advice and consent of the council, appoint said commissioners; one for one year, one for two years, and one for three years, and thereafter, one shall be thus appointed each year. In the event of a vacancy in said code commissioners, by death, resignation, removal from the Territory, or otherwise, during the recess of the Legislative Assembly, the Governor alone shall fill the same by appointment. But if the council at its next session, shall disapprove of such appointment, the same shall cease, and terminate from and after such disapproval.

How appointed.

Case of vacancy.

SEC. 3. In the event that the Governor shall neglect or refuse to nominate a person to fill such vacancy,

When council may elect.

or such office, then the council shall elect by ballot, some suitable person to fill such vacancy or office.

SEC. 4. Such commissioners, before they enter on their duties shall take an oath or affirmation, to support the Constitution of the United States, and to faithfully discharge their duties.

Duty of code commissioners.

SEC. 5. It shall be the duty of said code commissioners to arrange, adjust, and form a code of practice for the courts of law and chancery, and the probate courts and justices of the peace; to arrange, adjust, and form a criminal code: a law regulating dower, descent, and distribution: a law regulating the sale, or incumbrance of real estate; and a law for the settlement of estates of deceased persons; and such other laws of a general nature as from time to time may be necessary or proper.

Gov. and other officers shall give information.

SEC. 6. It shall be the duty of the Governor, the Secretary of the Territory, the judges of the courts, the general officers of the militia, and all salaried or territorial officers, to give said commissioners information, in writing, on any subject pertaining to their respective offices, whenever required in relation to their duties.

May provide necessaries and clerks.

SEC. 7. Said code commissioners shall have power to provide all necessary stationery, fuel and rooms, for their use, and such clerks as may be necessary; not exceeding two, and shall be allowed for their services, the same compensation and mileage as are allowed to members of the Legislative Assembly.

Compensation.

Shall keep a journal.

SEC. 8. Said code commissioners shall keep a journal of their proceedings, and cause to be made, two copies of the laws by them proposed; one for the use of the house, and one for the use of the council, and as many of the proposed laws as can be prepared, shall be reported to the Governor, during the present session; and thereafter, they shall report on or before the first days of April and November respectively in each year, or at the call of the Governor, who shall report the same to the Legislative Assembly for their enactment or disapproval, with such recommendations as he may think best.

Shall report to Gov. and Legislative assembly.

Approved Jan. 16, 1852.

CHAPTER XLV.

AN ACT electing Probate Judges.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, in joint session assembled: That we do hereby elect the following persons for judges of probate in the several counties for the Territory of Utah, viz.: for Weber county, Isaac Clark; for Davis county, Joseph Holbrook; for Great Salt Lake county, Elias Smith; for Utah county, Preston Thomas; for Tooele county, Alfred Lee; for Juab county, George Bradley; for San Pete county, George Peacock; for Millard county, Anson Call; and for Iron county, Chapman Duncan. The same are hereby elected for the term of four years, unless sooner removed by legislative enactment, or by removal from the county, or by death.

Names of Probate Judges.

Term of office.

SEC. 2. In case of any vacancy occurring by removal, death or otherwise, of one or more of the above mentioned judges, the Governor is hereby empowered to fill such vacancy, until the next sitting of the Legislature.

Case of vacancy.

Approved Feb. 7, 1852.

CHAPTER XLVI.

AN ACT in relation to the Militia.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of three thousand dollars, be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of enclosing a block of ground within the incorporated limits of Great Salt Lake City, to be selected by His Excellency the Governor, with a good and secure wall or fence, and of erecting a suitable building for the preservation of the public arms, ammunition, and other public property belonging to the quartermaster and commissary's department of the Nauvoo Legion.

Three thousand dollars appropriated to enclose block to preserve arms, &c.

One thousand
dollars appro-
priated to
mount ord-
nance, &c.

SEC. 2. That the further sum of one thousand dollars be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of mounting the ordnance, and putting into effectual repair, all the public arms and accoutrements in charge of the quartermaster general.

Quartermaster
to draw money.

SEC. 3. That the quartermaster general be instructed to proceed immediately to carry into effect the designs of this act, and to draw on the territorial treasurer for such sums as may be necessary to carry on the works, to the amount appropriated for each specified purpose.

One thousand
dollars for mil-
itary school.

SEC. 4. That the further sum of one thousand dollars be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to be expended under the direction of the commanding officer of the Nauvoo Legion, for the establishment and encouragement of a military school, in which to be taught the science of engineering, and that of mathematics therewith connected, as well as such other branches of science as may be most conducive to the military interests of the Territory.

Approved Dec. 23, 1852.

CHAPTER XLVII.

AN ACT regulating Elections.

General elec-
tion.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That annually on the first Monday of August, there shall be a general election held in each precinct in the several counties, for choosing all officers not otherwise provided for.

Notice.

SEC. 2. The county clerk shall cause a notice of the time and place, and the number and kind of officers to be chosen, to be put up in two public places in each precinct, at least six days before the time of election.

Judge and clerk
of election.

SEC. 3. The senior justice of the peace shall be the judge of elections in his precinct, and shall appoint one clerk, and furnish the necessary stationery, and a ballot box; and in the absence of a justice of the peace,

the electors first assembled on the day of election to the number of six, may appoint some suitable person to act as judge of that election.

SEC. 4. The election shall be held from one hour after sunrise until sunset; and no elector shall vote in any precinct excepting where he resides.

Time of day.

SEC. 5. Each elector shall provide himself with a vote containing the names of the persons he wishes elected and the offices he would have them to fill, and present it neatly folded, to the judge of the election, who shall number and deposit it in the ballot box; the clerk shall then write the name of the elector, and opposite it the number of his vote.

Ballots.

SEC. 6. At the close of the election, the judge shall seal up the ballot box, and the list of the names of the electors, and transmit the same without delay to the county clerk.

Ballot box to be sealed, &c.

SEC. 7. Immediately upon receiving the electoral returns of any precinct, the county clerk and probate judge, or in his absence one of the select men, shall unseal the list and ballot box, and count and compare the votes with the names on the list, and make a brief abstract of the offices and names voted for, and the number of votes each person received; the ballot box shall then be returned, and the votes and list preserved for reference in case the election of any person shall be contested.

Counting votes, &c.

Votes to be preserved.

SEC. 8. When all the returns and abstracts are made, the clerk shall forthwith make a general abstract, and post it up in his office, and forward to the Secretary of the Territory a certified copy of the names of the persons voted for, and the number of votes each has received for territorial offices; and furnish each person having the highest number of votes for county and precinct offices a certificate of his election.

Clerk to make abstracts, notify officers, &c.

SEC. 9. So soon as all the returns are received, the Secretary, in the presence of the Governor, shall unseal and examine them, and furnish to each person having the highest number of votes for any territorial office, a certificate of his election.

Secretary &c. to examine returns and give certificates.

SEC. 10. If the returns are not made within a reasonable time, the Secretary or county clerk, as the case may be, shall institute inquiry, which must be promptly responded to, and a new abstract furnished if necessary.

If returns not made, &c.

Contested elec-
tion.

SEC. 11. Any person designing to contest an election shall make his intentions specifically known in writing to the county clerk within ten days after the result of the election is known; in which case the clerk shall retain the votes and lists until the contest is decided; otherwise he shall destroy them.

Tie.

SEC. 12. When ties occur, if for a territorial officer, the Secretary shall determine the election by lot in the presence of the Governor, and if for a county or precinct officer it shall in like manner be determined by the county clerk in the presence of the probate judge.

Contested elec-
tion.

SEC. 13. Any person contesting the election of a county or precinct officer, shall proceed therein before the county court, who shall determine the question; all of which shall be done without delay.

Vacancy.

SEC. 14. When a vacancy occurs in territorial elective offices, the Governor shall order a special election to fill such vacancy, and should a vacancy occur in a county or precinct office, necessary to be filled previous to the general election, the county court shall fill such vacancy by appointment.

Compensation
and punish-
ment of officers

SEC. 15. All officers acting in elections shall be allowed a reasonable compensation for their services, and shall be punished with a reasonable preventive amount of fine for fraud or negligence, by any court having jurisdiction.

Who are elec-
tors.

SEC. 16. All free white male citizens of the United States, residents of the Territory, over the age of eighteen years, are voters, and eligible to hold any office within this Territory.

Approved Jan. 3, 1853.

CHAPTER XLVIII.

AN ACT to prevent the needless destruction of Fish.

County court
to have juris-
diction.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the county courts of the several counties are hereby authorized to have

jurisdiction of the fisheries, in their respective counties, and are required, upon the application of the citizens, to institute such regulations as in their judgment will successfully prevent the needless destruction of fish.

Approved Jan. 13, 1853.

CHAPTER XLIX.

AN ACT to incorporate the Deseret Iron Company.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Erastus Snow, Franklin D. Richards, Thomas Tennant, Geo. A. Smith, Matthew Carruthers, John C. L. Smith, and Joseph Chatterly, their associates, and successors be, and they are hereby created a body corporate, to be known by the name and style of Deseret Iron Company, for the purpose of erecting furnaces, mills, machinery, &c., for the manufacture of iron and steel, and all such articles made of iron and steel, as the wants of the community and the wisdom of the company may determine.

Company created.

SEC. 2. Said company shall have power in their corporate name to sue and be sued, to defend and be defended, in all courts of law and equity; to hold, lease, rent, or convey property, real or personal; and shall have perpetual succession for the term of fifty years, and may have a corporate seal, which they may use and alter at pleasure.

Power & terms.

SEC. 3. Each share of the capital stock of said company shall consist of two thousand four hundred and twenty dollars, (\$2420,00) or five hundred pounds sterling (£500.)

Shares.

SEC. 4. The company may increase their capital stock as their business shall require, to carry out the purposes and objects contemplated in the first section of this act.

Stock may be increased.

SEC. 5. Each share of the company's stock shall be represented by a certificate of the same, and they may issue certificates for half and quarter shares, all of which

Certificate of stock.

shall be signed by the president, secretary, and treasurer.

Votes of stock-
holders.

Sec. 6. Each stockholder shall be entitled to four votes for each share which may have been paid: Provided, that no stockholder shall be entitled to more than twenty votes: Provided also, that any subscription of stock shall be entitled to one vote for each quarter share paid thereon.

Officers.

Sec. 7. For the government, regulation, and internal policy of the company, there shall be elected from among the stockholders, a president, secretary, treasurer, and four trustees, which shall constitute a board of directors.

Term of office
of president, &c.

Sec. 8. The president, secretary, and treasurer, may hold their offices two years, and until their successors shall be elected and qualified.

Term of trust-
ees.

Sec. 9. At the first general meeting, the trustees shall be elected as follows: one for one year, one for two years, one for three years, and one for four years; after which, the vacancies may be filled as they occur annually, each trustee to hold his office four years.

Directors to fill
vacancies and
make bye laws.

Sec. 10. The board of directors shall have power to fill any vacancies which shall occur, until the next annual meeting of the company, and should circumstances occur which in their opinion, render it necessary, they may call a special general meeting; they may also make, ordain, and establish such rules and regulations for the government of the company, as they shall deem proper: Provided, that no such rules and regulations shall be incompatible with the constitution and laws of the United States, or the laws of this Territory: Provided also, that a majority of the board present, shall constitute a quorum to do business.

Vote by proxy.

Sec. 11. Absent members shall be permitted to vote by proxy, and shall authorize their proxies by writing, which when presented to the meeting shall entitle them to vote.

Deseret Iron
Company.

Sec. 12. If the Deseret Iron Company, now in operation in Iron County, shall at their general meeting, accept, and adopt this charter, and organize under the provisions thereof; then the previous acts of the company and of their officers and agents, under the instructions and provisions of their present constitution, shall be valid, and in good faith.

Sec. 13. The first general meeting of the company

shall be held on the third Monday of September, eighteen hundred and fifty three, or as soon after as convenient, after which their annual meeting shall be held at such times and places as they shall determine. First meeting of company.

SEC. 14. The officers and agents of the company shall be required to give bonds, with approved securities, which shall be filed with the clerk of the county court, of the county in which they shall be executed. Officers to give bonds.

SEC. 15. The officers shall cause the books of the company to be properly audited, and a balance sheet or exhibit of the business to be made out, also a dividend of the profits arising from the same to be declared, at or before each annual meeting. Books of company.

SEC. 16. The books of the company shall be subject to the inspection of the stock holders at all times. Books of company.

SEC. 17. Nothing in this charter shall be so construed as to authorize or imply banking powers to the Deseret Iron Company. Not to authorize banking.

Approved Jan. 17, 1853.

CHAPTER L.

AN ACT granting unto Daniel H. Wells the right to erect Ferries across Green River, and to control the same.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the exclusive right and privilege of the ferries across Green river, be granted unto Daniel H. Wells, of Great Salt Lake City, in said Territory, for the space of three years from and after the 15th day of May, A. D., 1853. Grant

SEC. 2. The rates of toll across said ferries shall be as follows:— Rates of Toll

For any vehicle not over two thousand pounds weight, each \$3.00.

For any vehicle over 2000 lbs. weight, and less than 3000lbs each \$4.00.

For any vehicle over 3000lbs. weight, and less than 4000lbs. each \$5.00.

And for all vehicles over 4000lbs. weight, each \$6.00.

For each horse, mule, ox, or cow, 50 cents.

For each sheep, goat, or swine, 25 „

Net required to
run during high
water, &c.

SEC. 3. In case of high water, winds, rains, or storms of any kind which renders the crossing unsafe, then said ferry shall not be required to run; but any agreement of parties shall be allowed as to risk and price for crossing. But at all suitable times when the river is not fordable, the said ferries shall be provided with good and sufficient boats for crossing, and the owner of the ferry shall furnish speedy and safe conveyance across the stream, being liable for all damage that shall be sustained through his own neglect or carelessness.

To furnish safe
boats.

Liability.

To pay ten per
cent of pro-
ceeds.

Bond.

SEC. 4. The said Daniel H. Wells shall pay or cause to be paid ten per cent. of all the proceeds arising from the privileges herein granted, into the treasury of the "Perpetual Emigrating Fund Company," and he shall also be required to give bond and security for the faithful performance of the duties herein required, to be approved by the territorial treasurer, and filed in his office.

In case of fail-
ure of grantee.

SEC. 5. In case of a failure on the part of the said Daniel H. Wells, to provide good and sufficient means of conveyance across the said Green river at two of the most convenient and safe places of crossing, on the main routes of travel from the Missouri river to Oregon, Utah, and California, within the Territory, the Governor is hereby authorized and empowered to appoint some other person to take charge of said ferries, and perform the duties herein required, upon the same terms as herein specified.

Approved Jan. 17, 1853.

CHAPTER LI.

AN ACT to incorporate the Provo Canal and Irrigation Company.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Orson

Hyde, George A. Smith, and George W. Armstrong, with their associates and successors, be, and the same are hereby made and constituted a body corporate, for the purposes hereinafter specified, under the name and title of "The Provo Canal and Irrigation Company," and by that name and title they and their successors shall have perpetual succession for the term of fifty years, from and after the year one thousand eight hundred and fifty-five, with power to contract, and be contracted with, to sue and be sued, in all actions at law and in equity, in any court having competent jurisdiction; to purchase, and hold personal property, and real estate; to sell and transfer the same, and to do and perform any and all other acts in their corporate name, that any individual can, or has a lawful right to do; to make and use a common seal, and to alter the same at pleasure; and to do all other acts necessary for the proper exercise of the powers conferred, and the regulation of the privileges granted in this act.

Company created.

SEC. 2. The aforesaid company shall have the right and privilege, and the same are hereby conferred, to take out one half of the waters of the Provo river, at or near the mouth of the Kanyon, on the north side of said river, in the county of Utah, and to conduct the same in a suitable canal upon the bench, and along said bench on the most practicable route or routes, as far as it may be necessary or expedient, to water or irrigate lands; and may be allowed to take out any portion of the waters of said river more than the one half: Provided, this excess of water thus taken out, shall not retard, hinder, or obstruct the mills, or machinery, or the irrigation of lands below, that are now, or may hereafter be, in operation, or cultivation.

Powers.

SEC. 3. The company shall have the entire control and management of all the waters thus taken out, and may use the same for the irrigation of lands, for mills or machinery of any kind, and for navigation, and all other lawful purposes whatsoever; may sell, lease, and dispose of the same, or any portion thereof, for any, or all of the above purposes, on such terms and conditions as the parties may agree.

Powers.

SEC. 4. The company shall also have the right and privilege to sell, and dispose of stock in shares of two hundred dollars each; and in half shares of one hundred dollars, to enable the company to prosecute the work,

Stock.

and to make such improvements with the same, as may be deemed of advantage or profit, until the stock sold shall amount to the sum of two hundred thousand dollars. Each stockholder shall be entitled to one vote for every share paid in, at all meetings of business requiring a vote, and at all general and special elections of officers of the company: Provided always, that each absentee shall have the right to vote by proxy in writing. Certificates of stock shall be issued by the officers of the company to those who have paid for shares, or half shares, and shall be signed by the President and Secretary. The same may be transferred by registering the transfer on the company's books; otherwise no transfer of stock will be deemed valid.

Vote.

Certificates of stock.

Transfers, how made.

Officers.

Oath.

Accounts.

Board of managers.

Vacancies.

SEC. 5. The officers of this company shall consist of a president, secretary, and treasurer; and the same shall constitute a board of directors, or managers. Their term of office shall be four years from the date of their election, and until their successors shall be duly elected and qualified. They shall take the oath of office to faithfully discharge the duties of their stations; and shall file bonds with approved security, in the office of the clerk of the probate court of the county of Utah, and shall annually on the first Monday in May, present to the stockholders at their office, a just, true, and accurate balance sheet, showing the receipts, and expenditures of money and property, with a clear and explicit statement of the entire financial condition, circumstances, and standing of the company, in a plain, legible style.

SEC. 6. The aforesaid Orson Hyde, George A. Smith, and George W. Armstrong, to be, and the same are hereby constituted the officers, and board of managers, and directors of the company, with full power to act, until the first election, which may be held in the city of Provo, whenever two thirds of the voters of said company shall desire it.

SEC. 7. Whenever a vacancy occurs in the board of managers or directors, by death, inability, removal from the Territory, or resignation, the remaining members of the board may fill such vacancy by appointment, until the next May succeeding; and on the first Monday in said month, that vacancy may be filled by an election of the voters of said company.

SEC. 8. The board of managers or directors, are hereby authorized and empowered, to make and ordain all necessary by-laws and regulations for the internal policy of the company, and to carry out the spirit and design of this charter in good faith and virtue: Provided, that none conflict with the constitution and laws of the United States, or the laws of this Territory; and Provided also, that any by-law, or ordinance, may be vetoed by a vote of two thirds of the legal voters of the company.

By-laws.

Approved January 17, 1853.

CHAPTER LII.

AN ACT to incorporate the Provo Manufacturing Company.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Orson Hyde, George A. Smith, Edson Whipple, Evan M. Green, Dominicus Carter, Edson Parney, and David Canfield, with their associates and successors, be, and are hereby constituted a body corporate for the term of fifty years, by the name and style of "The Provo Manufacturing Company," and by that name shall be capable of suing and being sued, defending and being defended, in all courts and places, and in all manner of actions, causes and complaints whatsoever; may have a common seal which they may use and alter at pleasure, and by their corporate name may purchase, hold, use, and convey property, real and personal; may make all necessary contracts for carrying on the business of the company, and do all other acts necessary, or expedient in the progressive stages, and operations of the company, not inconsistent with the constitution and laws of the United States, or of this Territory.

Company created.

SEC. 2. The capital stock shall not exceed one million of dollars, the stock to be divided into shares of fifty dollars each, and transferable on the books of the company, in such manner as the by-laws shall ordain; but no transfer shall be valid until it shall have been registered in the books of the company kept for that purpose.

Capital.

- Votes.** SEC. 3. At all meetings of the stockholders each share of stock actually paid in, shall be entitled to one vote, either in person or by proxy in writing, and a majority of votes present shall determine all questions submitted by the stockholders.
- Annual meeting.** SEC. 4. The annual meeting of the stockholders shall be held on the second Monday in October, at which meeting the directors of the company shall be elected, and all other business deemed necessary by the stockholders transacted; and should they fail of electing directors at the annual meeting, they may hold a special meeting, at some subsequent time for the purpose, by giving thirty days notice in some newspaper of general circulation, or a written notice posted in three of the most public places in Utah county. The directors shall hold their office until their successors are chosen and qualified; but no person shall be a director after ceasing to be a stockholder. Immediately after the election, the directors shall elect one of their number president of the corporation, and may appoint such other officers and agents as they may deem necessary to transact their business, and prescribe the amount of compensation to be allowed to them for their services; and such officers, when required by the by-laws, shall give bonds to the satisfaction of the directors for the faithful discharge of the trusts committed to them. The directors may make their own by-laws for their board, but subject to the approval of the stockholders. All questions in the board of directors shall be decided by a majority of the directors present, and a majority of the directors shall constitute a quorum for the transaction of business; vacancies in the board may be filled by the remaining directors. The directors shall have the general management of the affairs of the company, and may employ the capital and means of the company in such manufactures as they shall deem best for the company, and for the erection and maintenance of such machinery, dams, buildings, races, water courses, bridges, roads, &c., subject always to the control of the stockholders. They shall cause a record to be kept of all business transactions, and their books and record shall at all reasonable times be open to the inspection of any stockholder. They shall also, when required, present to the stockholders reports in writing of the situation and amount of business of the company, and declare and make such dividends of the profits from the
- Directors, president and officers.**
- By-laws.**
- Order of business, vacancies.**
- Business of the company.**
- Records.**
- Reports.**

business of the company, not reducing the capital stock while they have outstanding liabilities, as they shall deem expedient.

SEC. 5. The persons named in the first section of this act, or a majority of them, shall be commissioned to open books for the subscription to the capital stock of said company, at such times and places as they may deem proper; and the said company, are authorized to commence operations upon the subscription of five thousand dollars of said stock.

Books to be opened.

SEC. 6. The president and directors of said company shall have power, at any of their meetings, to require the payment of the capital stock of said company, to such persons, and at such times as they may deem proper, upon ninety days notice of the amount of such installments as may be required, and the time when the same shall be paid, in some newspaper of general circulation in that county, or public verbal notice, at any public meeting wherein there shall be a large share of the inhabitants of said county. And if any stockholder shall fail to pay up said installments as shall be required by the president and directors as aforesaid, the directors shall have power either to institute suits against said stockholder in any court having jurisdiction, to recover such installments, and shall have execution thereof, or to sell such share or shares as shall be delinquent at public auction to the highest bidder, after giving thirty days notice in the same manner as prescribed above; and such stockholder shall be liable for the residue of any sum due upon share or shares, after deducting the proceeds of such sale.

Payment of stock required.

Failure to pay installments.

Approved Jan. 21, 1853.

CHAPTER LIII.

AN ACT granting unto Charles Hopkins and others the right to build a bridge across the river Jordan.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Charles

Grant. Hopkins, Ezekiel Hopkins, and Alonzo Rhoads, citizens of Lehi City, Utah county, are hereby authorized, and empowered to form a company for the purpose of building a toll bridge across the Jordan River, at any point within ten miles north of Utah Lake, that the citizens of said city may determine.

Stock. SEC. 2. The within named Charles Hopkins, Ezekiel Hopkins, and Alonzo Rhoads, are hereby authorized to take, and sell stock at \$25 each share, until a sufficient amount of stock shall be taken to defray the expenses of building said bridge.

Accounts and business. SEC. 3. There shall be a committee of three chosen from among, and by the stock holders, whose duty it shall be to keep an accurate account of all expenditures, also to superintend the building, and to do such other business for the company as a majority of the stockholders may deem expedient for the general good.

Vote. SEC. 4. Every stockholder shall be entitled to one vote for each share that he may have taken.

Bridge to be accepted. SEC. 5. The bridge shall be built to the acceptance of the Territorial Commissioner.

Lehi city council to fix tolls. SEC. 6. The city council of Lehi city, are hereby authorized to regulate the rates of toll for crossing said bridge.

Term of grant. SEC. 7. The company thus formed, may have the right to hold claim on the bridge, until they have realized one hundred per cent. over, and above all expenditures; after which, said bridge shall be turned over to the Territorial Commissioner in good repair, as the property of the Territory.

Approved Jan. 21, 1853.

CHAPTER LIV.

AN ACT authorizing the erection of a ferry or ferries on Ham's Fork River.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Joseph

Busby have the exclusive right, of erecting a ferry or ferries on Ham's Fork river, for the term of five years, from and after the passage of this act, at some point within this Territory, for the accommodation of the emigration from the states to California, Oregon, and this Territory, provided he pay upon oath five per cent. of all monies collected of said ferry or ferries, into the treasury of the Perpetual Emigrating Fund Company, for the benefit of said fund, on, or before the first day of September of each year.

Grant.
Per centage of money collected.

SEC. 2. The said Joseph Busby, shall not be allowed to charge over the following rates of toll, viz.:—

Rates of toll.

For all buggies, carriages, or wagons, whose burthen is not over 2000lbs. \$2 each.

For all do do do whose burthen is over 2000 lbs. and not exceeding 3000 lbs. \$2,50 each.

For all do do do whose burthen is over 3000 lbs. and not exceeding 4000 lbs. \$3 each.

For all do do do whose burthen is over 4000 lbs. \$3,50 each.

Sheep, goats and hogs, each 10 cents.

Every other animal, each 20 cents.

SEC. 3. The said Joseph Busby, before erecting said ferry or ferries, shall give bonds to the treasury of the Territory of Utah, in the penal sum of five hundred dollars to be approved by the Governor for paying over the per centage, as contemplated in the first section of this act.

Grantee to give bonds.

SEC. 4. In case of unusual high water, or storms of any kind, so as to render it unsafe to ferry said river, then the said Joseph Busby shall not be required at such times to run said ferry or ferries, but any agreement of parties may be allowed as to risk, and price; and in case the said Joseph Busby fail to erect and keep in repair a good and substantial ferry or ferries on said river as contemplated in this act, then the right to ferry as herein granted shall be forfeited, and the Governor is hereby authorized, and empowered to establish a ferry or ferries on said river as contemplated in this act,

In case of high water.
To provide good ferry.
Powers to Governor.

Approved Jan. 21, 1853.

CHAPTER LV

AN ACT concerning a ferry or ferries across Bear River, and a bridge across the Malad.

Grant of ferries on Bear River. SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Joseph Young, David Fullmer, John Young, and William Y. Empey have the right to establish a ferry or ferries across Bear River for three years, (during the ferrying seasons of each year) from the passage of this act, at a place which will best subserve the public interests, between the mouth of said river, and a point five miles east of the mouth of the kanyon.

Bond. SEC. 2. Said Young and others shall file their bond with the Secretary of the Territory in the penal sum of one thousand dollars payable to the people of the Territory of Utah, conditioned for the faithful paying over the per centage hereinafter prescribed.

Grantees to pay 10 per cent. SEC. 3. The said Young and others shall pay ten per cent. of all they receive as toll on said ferries and bridge to the treasurer of the Perpetual Emigrating Fund Company, on oath or affirmation on or before the first day of September annually.

Rates of toll. SEC. 4. Said Young and others shall be allowed to charge toll at the following rates viz.:—

For a carriage or a wagon drawn by two animals,	\$3,00
“ “ “ by four animals	4,00
“ “ “ six animals	5,00
“ “ “ eight animals	6,00
“ “ “ ten animals	7,00
“ “ “ twelve animals	8,00

For carts one half the foregoing rates each.

All animals with their packs, each 1,00

All packs, each ,50

All horses, mules, jacks, oxen, cows and bulls, except pack animals, each ,25

All colts, calves, sheep, hogs, and goats, each ,10

All necessary drivers and assistants in ferrying wagons and animals, free.

All other men, each ,25

Restriction. SEC. 5. If any person or persons shall establish a ferry within the before described limits without a grant from the Governor and Legislative Assembly, he or

they shall forfeit and pay to the people of the Territory of Utah, the sum of one thousand dollars, to be collected as an action of debt.

SEC. 6. The said Young and others are hereby required to erect a good and substantial bridge across the Malad, about three miles west of the ferry on Bear River, for three years during the ferrying seasons thereof, and are allowed the privilege of collecting toll on the same at the following rates viz:—

Bridge across
the Malad.

For carriages and wagons, each	1,50
For carts	1,00
For pack animals, each	,25
For all loose horses, mules, jacks, oxen and cows each	,10
For colts, calves, sheep, goats, and hogs, each	,02
All men free	

Restriction.

SEC. 7. If any person or persons shall establish a ferry or bridge across the Malad, without the grant of the Governor and Legislative Assembly, he or they shall forfeit and pay to the people of the Territory of Utah, the sum of five hundred dollars, to be collected as an action of debt.

SEC. 8. In case said Young and others shall fail to establish said ferry or bridge, according to the provisions of this act, the Governor may appoint some other person or persons to establish the same as herein contemplated.

In case grantees shall fail.

SEC. 9. The charter granted by the Governor and Legislative Assembly to the before mentioned Young and others, and approved by the Governor January 30, 1852, is hereby repealed.

Repeal.

Approved Jan. 21, 1853.

CHAPTER LVI.

AN ACT concerning certain animals running at large.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That after the first day of March next, any stud horse, jack, or ridgil, Stud horse, jack, &c.

over the age of eighteen months, found running at large, may be forfeited, and the proceeds paid into the Emigrating Poor Fund.

Ram. SEC. 2. Any ram over three months old, found running at large within any settlement, from the first day of June to the first day of October in each year, may be forfeited, and the proceeds paid as in section 1.

Sheep. SEC. 3. If any person allow his sheep to run at large in any agricultural settlement, he may be compelled to pay for all damages they may do, by any court having jurisdiction.

Sheep having disease. SEC. 4. The owner of sheep having any contagious disease, is hereby required immediately to remove them to some place where they cannot endanger the health of other sheep; or may be compelled to pay for all damage that may accrue by any court having jurisdiction.

Swine. SEC. 5. The owner of swine running at large, may be compelled to pay for all damage they may do, or to forfeit the swine, at the discretion of the court having jurisdiction.

Animals may be taken up. SEC. 6. All persons are hereby authorized to take up any animal found running at large when prohibited in the foregoing sections, and forfeitures may be enforced by any justice of the peace.

Approved Jan. 21, 1853.

CHAPTER LVII.

AN ACT to incorporate the Great Salt Lake City Water Works Association.

Company created. SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Brigham Young, Heber C. Kimball, Ezra T. Benson, Jedediah M. Grant, Jesse C. Little, Phineas W. Cook, and their associates and successors, be, and they are hereby created a body corporate and politic, with perpetual succession by the name and style of "the Great Salt Lake City Water Works Association," and by that name they and their successors, shall be capable in law of

contracting and being contracted with, suing and being sued, defending and being defended, in all courts, with full power to acquire, hold and enjoy all such real and personal estate as may be necessary and proper for the construction, extension, and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and alter or renew the same at pleasure.

SEC. 2. The corporation here created shall have full power and authority to supply Great Salt Lake City, and the citizens thereof with water, and to conduct the same in pipes through the streets, alleys and highways of said city, to any lots, buildings, manufactories, and public places therein contained, and to erect necessary works in or near the city, and apparatus for conducting water into the streets and avenues; Provided, that said corporation shall so conduct their works, that no permanent damage shall be done in any street, alley, or highway of said city; and before digging or commencing operations, the said corporation hereby created, shall first give notice to, and obtain consent of the city council for that purpose.

SEC. 3. The capital stock of said corporation shall be divided into shares of one hundred dollars each, to be subscribed for, and paid at such times, and such proportions as shall be prescribed by the by-laws of said company; each share entitling the holder thereof to one vote.

SEC. 4. The persons named in the first section of this act, may at any time open books for the subscription to the capital stock of the company by giving five days notice of the same, by written notice, or in some public place, or in some newspaper published in the city; and when a sufficient number of persons have subscribed, the persons named in the first section may call a meeting of the stock holders, by giving proper notice, to elect by ballot, a board of directors, and such other officers as may be deemed necessary, whose term of office shall continue until their successors shall be elected, and such elections to be held at such times or places as the by-laws of the company may determine; and Great Salt Lake City may in its corporate capacity, subscribe for an amount of the stock in said company, any sum not exceeding one hundred thousand dollars.

Powers.

Business of corporation.

Stock.

Books.

Election of officers.

Malicious in-
juries.

SEC. 5. Any person or persons who may maliciously or intentionally, disturb, injure, or molest any pipe or other property, belonging to said company, or obstruct the free passage of the water or use of the water of said company, without its consent, shall on conviction thereof be fined in any sum not less than five nor more than five hundred dollars, which amount may be recovered before any court having jurisdiction thereof within this Territory.

Approved Jan. 21, 1853.

CHAPTER LVIII.

AN ACT in relation to the Militia.

H. B. Clawson
appointed agent
for erection of
arsenal.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Colonel Hiram B. Clawson, of the general staff of the Nauvoo Legion, be, and is hereby appointed a special agent, to receive and disburse the funds appropriated by "An Act in relation to the Militia," approved December 23, 1852, and contributed by individuals for the enclosure of a block of ground, and for the erection of a suitable public building for the preservation of the public property.

Authorized to
make contracts,
&c.

SEC. 2. That Colonel Clawson be, and is hereby authorized to make contracts for the carrying out, and completion of said works as provided for by law, and accept of the same when completed.

Approved June 1, 1853.

CHAPTER LIX.

AN ACT in relation to the Assessment, Collection and Expenditure of a Tax for Road and other purposes within incorporated Cities.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all in-

corporated cities which have organized, and are acting under their respective charters, are hereby authorized annually to assess, collect and expend the necessary tax for roads, streets, schools and other public purposes, and regulate and control the same within said city incorporations.

Powers to incorporated cities to assess tax for roads, streets and schools.

SEC. 2. The inhabitants of said incorporated cities shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of city boundaries.

Exemption.

SEC. 3. The city council of the several incorporated cities, respectively, are hereby authorized to regulate and control the live trees and shrubbery, and the water courses and water privileges in their incorporations, and so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

City council to control trees and water courses.

SEC. 4. Nothing herein shall be so construed as to effect or infringe upon any tax assessed, or authorized by any enactment of the Governor and Legislative Assembly.

Proviso.

Approved June 4, 1853.

CHAPTER LX.

AN ACT granting Abiah Wardsworth, Ira N. Spaulding, and Willard G. McMullen, the right of erecting a Toll Bridge across the Weber River, near the Mill of Abiah Wardsworth and Co.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Abiah Wardsworth, Ira N. Spaulding, and Willard G. McMullen, are hereby authorized and required to erect by the earliest possible date, a good, durable, and substantial bridge across Weber river, near the mill of Abiah Wardsworth and Co., and keep it constantly in good repair, and make and keep the road in good condition at either extremity of said bridge, until it reaches ground that is sound and dry at the highest stages of water.

Bridge to be kept in good repair. And road in good condition.

SEC. 2. The said Abiah Wardsworth, Ira N. Spaulding, and Willard G. McMullen, are hereby authorized

Tolls.

to charge and collect toll, by law if necessary, for crossing said bridge, at the following rates, viz.:

For every vehicle drawn by two animals \$2 00

“ “ two additional animals to said vehicle - - - 50

“ “ man and horse - - - 50

“ “ pack animal - - - 50

“ “ loose horse, mule, jack, ox, cow or bull - - - 20

“ “ sheep, hog, calf, colt or goat - - 05

“ “ footman - - - 10

Residents to be charged half toll.

SEC. 3. Residents of the Territory who pay by the year shall not be charged more than one-half of the above mentioned rates.

Bridge and road to be accepted by commissioner.

SEC. 4. Said bridge and the road pertaining thereto, must be accepted by the territorial road commissioner before toll can be charged and collected for the use thereof; and at the end of five years from the date hereof, shall be turned over to said commissioner in good condition, to be thereafter the property of this Territory; and said bridge must be made fourteen feet wide in the clear, with a good and substantial hand-railing, four feet high, and boarded down to the plank on the bridge; the timbers must be of good mountain pine, and the planking on the stringers must be of good, sound cottonwood, four inches thick, and not over eight inches wide.

Bridge to become property of Territory.

Dimensions &c.

SEC. 5. Until said bridge and portion of road can be completed by the use of due diligence, the said Abiah Wardsworth, Ira N. Spaulding, and Willard G. McMullen, are authorized to establish and use a ferry, at or near the said point on Weber river, and charge and collect toll for the use thereof, at the foregoing named rates.

Grantees may use a ferry.

Approved June 4, 1853.

CHAPTER LXI.

AN ACT prescribing the manner of Assessing and Collecting Territorial and County Taxes.

SEC. 1. Be it enacted by the Governor and Legisla-

tive Assembly of the Territory of Utah: That annually, at its session in December, each county court shall appoint an assessor, who shall also be the collector, and who shall give bonds to the county court in at least twice the amount of the taxes to be collected, with approved security, and conditioned for the faithful performance of his duty, and shall take and subscribe an oath to the like effect; and said bonds and oath shall be filed in the office of the clerk of the county court, before the assessor and collector enters upon the duties of his office; and if the county court deem it necessary at any time, they may require other bonds or security to be given.

County courts
to appoint as-
sessor.

Bonds.

Oath of office.

SEC. 2. Property belonging to the United States, to this Territory, or any county, city, or town thereof; to literary, scientific, and benevolent institutions when used for those purposes; to buildings for worship, and the grounds, materials, and appurtenances belonging thereto; to insane or idiotic persons to the value of one thousand dollars; private libraries; burial grounds; and monuments for the dead, are exempt from, but all other property is subject to taxation.

Property ex-
empt from tax-
ation.

SEC. 3. A Territorial tax of one half per cent. on the assessed value of all taxable property in the Territory, shall be assessed and collected annually, to pay appropriations made by the Legislative Assembly; and a county tax, at a rate prescribed by the county court, not to exceed a half per cent. on the assessed value of all taxable property in the county, may be assessed and collected annually in each county, to pay appropriations made by the county court.

Territorial tax.

County tax.

SEC. 4. Property shall be assessed in the county where it is at the time of assessment, and to the owner thereof if known; otherwise to the person having it in possession.

How property
is to be as-
sessed.

SEC. 5. The first assessment on goods brought into this Territory for sale, shall be made by adding to the amount of the invoice the average per cent. realized, or intended to be; and goods thus assessed, but remaining unsold at the time of the next assessment, shall be assessed like other taxable property; and said goods shall be assessed, and the tax collected, when they are exposed for sale; and immediately after the receipt of any lot of goods intended for sale, the owner or agent shall furnish the assessor and collector with the correct amount of the invoices, a copy of which he shall file in the office of the clerk of the county court.

Goods brought
for sale.

Owner shall
furnish asses-
sor amount of
invoices.

Time of assess-
ment.

SEC. 6. Except otherwise provided in this act, the assessment shall be made between the first day of January and the first Monday of March in each year; and property shall be assessed at its fair cash market value.

County clerks
to furnish
books, &c.

SEC. 7. Previous to the first day of January in each year, the county clerk in each county shall furnish the assessor and collector with a suitable book, conveniently ruled, and headed throughout as follows:

	Names of owners or possessors.
	Residence.
	Value of land claims and improve- ments.
	Number of cattle.
	Value.
	Number of horses.
	Value.
	Number of asses.
	Value.
	Number of mules.
	Value.
	Number of sheep and goats.
	Value.
	Number of swine.
	Value.
	Number of vehicles.
	Value.
	Number of clocks and watches.
	Value.
	Value of merchandise.
	Value of stock in trading and manu- facturing companies.
	Value of gold dust and bullion.
	Value of gold and silver plate and or- naments.
	Money loaned and on hand.
	Value of taxable property not enum- erated.
	Total value.
	Amount of territorial tax.
	Amount of county tax.
	Amount paid.
	Name of payer.

Remarks.

And also with as many copies of the above heading as the assessor and collector may require, each copy to have room enough below the heading for one person to write his name, residence, and property.

SEC. 8. The assessor and collector must make his tax list in alphabetical order, and shall pursue that course in his official duties, which in his judgment will enable him to complete the assessment in the most uniform manner, and in the shortest time; and to aid him therein may when necessary leave with any person, or at any residence, a copy of the aforesaid heading, with the name of the person required to fill it, and a reasonable date on or before which it must be returned, written on the back thereof; and any person furnished with said list must comply with the requirements.

Duties of Assessor.

May require persons to make out their own list of property.

SEC. 9. The assessor and collector shall present the tax list to the county court at its March session; and all complaints of errors in the assessment may be presented to the court during said session, when they shall be examined, and finally adjudicated, and the assessor and collector's compensation, and the rate per cent. requisite for the yearly county revenue determined.

Complaints of errors in assessment.

Compensation assessor determined by county court.

SEC. 10. Immediately after the adjournment of the March session, the clerk of the court shall write upon the head of the tax list, the territorial and county rate per cent. for that year, and set each person's amount of territorial and county tax in the proper columns opposite his name, and make a correct copy of the tax list thus finished, and furnish it to the assessor and collector, and inform the territorial treasurer, and the auditor of public accounts, of the total amount of the territorial tax, the name of the assessor and collector, and the amount allowed for his services, which must be paid by the territory and county in proportion to their share of taxes; and safely file the original list with the office records.

Clerk to furnish tax list to assessor.

Territorial treasurer and auditor to be informed.

SEC. 11. When the assessor and collector receives the tax list, he shall immediately proceed to collect the same, by requiring of each tax payer his amount of tax; and shall pay the part collected for the county, to the county treasurer once a month, or oftener if required by the county court; and the part collected for the territory, to the territorial treasurer quarter yearly, or oftener if required by said treasurer; and take a receipt for all payments; and shall, on or before the first

Further duties of assessor and collector.

To report to auditor.

Report to county court.

Settlement to be made.

Auditor and county clerks to keep accounts with collector.

Assessor authorized to sell property.

To give reasonable notice.

Lawful tender.

County court to adjudge delinquents.

Assessor and collector to pay delinquencies.

May appoint a deputy.

day of September, make a report to the auditor of public accounts, of the amount of territorial funds on hand, of territorial tax collected, and what will probably be realized from the portion that may still be uncollected; and a like report of the condition of the county tax to the county court, on the first day of its September session, at which he must be present with the tax list; and shall make a full report to, and settlement with the auditor of public accounts, and the county court, during the December session of said court.

SEC. 12. It shall be the duty of the auditor of public accounts, and the clerks of the county courts, to keep an account with the assessors and collectors, debiting each with the amount of tax, and crediting him with the amounts paid in, the amount remitted by the courts, and the compensation allowed for his services.

SEC. 13. In case any person neglects or refuses to pay his tax when required, the assessor and collector is authorized and empowered to take and sell, in the manner most advantageous for the owner, enough taxable property belonging to the delinquent to pay his tax, and the costs of collection; and if said property is to be sold at public sale, he shall give reasonable notice of the time, place, and kind of property.

SEC. 14. All county taxes must be paid with money, or county orders; and all territorial taxes with money, or auditor's warrants.

SEC. 15. The county court shall, during its Sept. session, examine the names of those then delinquent on the tax list, and if in their judgment the taxes of any delinquent ought to be remitted, the clerk of said court shall write the word 'remitted' against such person's name, and when the examination of the list is completed, the clerk shall forthwith report to the territorial treasurer, and the auditor of public accounts, the amount of territorial taxes remitted. And said court at its December session, shall again examine the tax list, and proceed as at the September session; and if names of delinquents still remain on the list, the amount of their delinquency shall be paid by the assessor and collector, who is hereby empowered to collect such taxes for his own benefit.

SEC. 16. If necessary, the assessor and collector may appoint a deputy to assist him in the assessment, who shall take and subscribe an oath for the faithful performance of his duties, and for whose official acts and

compensation the assessor and collector shall be responsible.

SEC. 17. Assessors and collectors and their deputies are hereby empowered to administer oaths in the discharge of their official duties, and may require any person to give a statement of his taxable property under oath.

Empowered to administer oaths.

SEC. 18. Any person refusing to give the assessor and collector an account of his taxable property, or giving a false statement thereof designedly, shall, on conviction before any court having jurisdiction, be fined in a sum not exceeding the value of property in question; or if he neglects to comply with any requisition contained in this act, when applicable to him, on conviction, shall pay such amount as may be adjudged by said court; or if he knowingly much undervalues any portion of his taxable property not seen by the assessor and collector, the latter is empowered to purchase the same for the county at the said valuation of the owner.

Penalty for false statement of property.

Assessor empowered to purchase.

SEC. 19. The assessor and collector is required and empowered to collect taxes at the rate of the previous year, from any person that he presumes will move from the county before the regular time for collection; and to assess any person or property that has been accidentally omitted during the time for assessment; and must report his doings under this section, in the same manner as though done within the regular times.

Persons moving.

Assessments omitted.

SEC. 20. When the public good of any county requires an expenditure exceeding its legal revenue, the county court may submit the object of such expenditure, and the amount required to be voted upon by the people, at such time and place as the court may appoint, of which at least six days notice must be given; and any surplus of funds raised by vote of the people shall be paid into the county treasury; and the county clerk shall make a separate list of the names of the taxable persons, and place opposite each name his share of tax voted for, and furnish said list to the acting assessor and collector, who shall proceed therewith as with the collection of the current taxes.

Extra revenue to be voted by the people.

SEC. 21. When the probate judge in any county receives a copy of this act, he shall forthwith call a special session of the county court, whose duty it shall be to appoint an assessor and collector, and the clerk of said court shall furnish him the tax book, and the afore-

Probate judge to call special session of county court.

Court to adjourn until assessment is completed.

said headings, as soon as possible; and said assessor and collector, upon the receipt of said books, shall forthwith diligently proceed with the assessment until completed, and report as required in this act to the county court at its March session; and if any assessment is not completed at that time, the county court shall adjourn to the earliest date that will admit of its completion, and the making a full report thereon. And the present acting assessor and collector must proceed diligently in his duty; and at that session of the county court at which his successor in office reports his assessment completed, must make a full report to, and settlement with said court, and pay to the territorial and county treasurers their respective share of funds in his hands; and the clerk of the court shall make two separate lists of the names of those delinquents whose taxes are not remitted, one of which he shall file in his office, and furnish the assessor and collector with the other for collection.

Approved Jan. 7, 1854.

CHAPTER LXII.

AN ACT relating to the United States Courts for the Territory of Utah.

First, second, and third districts.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the first judicial district shall embrace and be composed of Great Salt Lake, Davis, Weber, Desert, Tooele, Summit, Green River, and Utah counties;—and the second of Juab, San Pete, Millard, Iron, and Washington counties; and the third of Carson county.

Supreme court.

SEC. 2. A supreme court shall be held annually on the first Monday in January in Fillmore City.

When sessions are legal.

SEC. 3. Each session of said courts shall be kept open at least one day; and no session to be legal except an adjournment in the regular term.

SEC. 4. Upon the petition of not less than one hund-

red legal voters and tax-payers residing in any judicial district, the judge of said district shall hold a special session of court at the time and place specified in the petition, unless a remonstrance to said petition is seasonably presented to the judge, and signed by a larger number of like qualified signers than said petition has, in which case a special session shall not be held; and a like course by the required number of like qualified residents of this Territory shall obtain or prevent a special session of supreme court.

When special sessions are legal.

Remonstrance.

Approved Jan. 19, 1855.

CHAPTER LXIII.

AN ACT defining the boundaries, and for the organization of Green River and Summit counties, and defining the eastern boundary of Davis county.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that section of country, bounded north by Oregon, east by the territorial line, south by the parallel of the thirty-ninth degree and thirty minutes north latitude, and west by a north and south line that intersects Sulphur Creek where the present emigration road crosses it, is, and the same shall hereafter be called Green River county.

Boundaries of Green River county.

SEC. 2. That the probate judge for said county, when elected, shall be authorized and empowered to organize the same, when in his opinion it shall become expedient and necessary; also, to locate and establish the county seat in said county.

Probate judge to organize.

SEC. 3. That all that section of country, bounded north by Oregon, east by the west line of Green River county, south by a parallel forming the southern boundary of Great Salt Lake county, and west by a parallel line forming the eastern boundary of Weber county, is, and the same shall hereafter be called Summit county, and is attached to Great Salt Lake county for election, revenue, and judicial purposes.

Boundaries of Summit county.

Davis county. SEC. 4. Davis county shall be bounded on the east by Summit county.
Approved Jan. 13, 1854.

CHAPTER LXIV.

AN ACT containing provisions applicable to the laws of the Territory of Utah.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all questions of law, the meaning of writings other than laws, and the admissibility of testimony, shall be decided by the court; and no laws nor parts of laws shall be read, argued, cited, or adopted in any court, during any trial, except those enacted by the Governor and Legislative Assembly of this Territory, and those passed by the Congress of the United States when applicable; and no report, decision, or doings of any court shall be read, argued, cited, or adopted as precedent in any other trial.

SEC. 2. The repeal of a law does not revive one previously repealed by it, nor affect any rights, duties, or penalties which have arisen under it.

SEC. 3. Laws, and parts thereof, and words, and phrases, shall be construed in accordance with the customary usage of the language.

SEC. 4. Words used in one tense may include either; and words used in one gender may include either; the singular may be read plural, and the plural singular; "person" may include a partnership, and a body corporate and politic; "writing" may include printing; "oath" may include affirmation or declaration; "signature" or "subscription" may include a mark, with the person's name written near it, and witnessed by one who can write. "Property" includes everything usually bought and sold, unless restricted. Joint authority

given to three or more persons is given to the majority, unless restricted.

Approved Jan. 14, 1854.

CHAPTER LXV.

AN ACT defining the boundaries of Carson county, and providing for the organization thereof.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of country bounded north by Desert county, east by the parallel of longitude 118 degrees, south by the boundary line of this Territory, and west by California, is hereby included within the limits of Carson county; and until organized, is attached to Millard county for election, revenue, and judicial purposes.

Boundaries of
Carson county.

SEC. 2. The Governor is hereby authorized to appoint a probate judge for said county, when he shall deem it expedient; and said probate judge when appointed, shall proceed to organize said county, by dividing the county into precincts; and causing an election to be held according to law, to fill the various county and precinct offices, and locate the county seat thereof.

Governor to ap-
point probate
judge.

Judge to organ-
ize.

Approved Jan. 17, 1854.

CHAPTER LXVI.

AN ACT relating to Sheriffs and Constables.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That at the

Sheriffs to be
elected.

next general election, and every two years thereafter, a sheriff shall be elected in each county, whose term of office shall be two years, and until his successor is qualified.

Bonds.

SEC. 2. Before entering upon the duties of his office, the sheriff shall give bonds in at least five thousand dollars, with approved security, and take and subscribe an oath for the faithful performance of his duties; said bonds and oath to be approved by the probate judge, and filed in the office of the county clerk.

Oath of office.

Sheriff may ap-
point a deputy.

SEC. 3. The sheriff may appoint a deputy, or deputies, for whose acts he shall be responsible; and who shall qualify in the same manner as the sheriff, except that the bonds may be in the sum of two thousand dollars each.

Deputy of sher-
iffs and const-
ables.

SEC. 4. When a reasonable compensation is tendered, or satisfaction given that the costs of service will be seasonably paid, it is the duty of sheriffs and constables to faithfully and diligently execute all orders, processes, and requirements of a court, under penalty of whatever costs, damages, and fine may be adjudged.

Approved Jan. 17, 1854.

CHAPTER LXVII.

AN ACT regulating herdsmen, herding, herd grounds, and the driving of animals.

Herdsmen to
give bonds to
probate judge.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That every person before engaging in the business of herding shall give bonds with security, and take and subscribe an oath, conditioned for the faithful performance of his duty, and for the indemnifying for all loss of time or animals through his neglect, said bonds and security to be given to the acceptance of the probate judge of the county where the herd ground is to be located, and with the oath to be filed in his office, and may be altered, or others given on the requirement of said judge; and when

said bonds and oath are accepted and filed, the probate judge shall grant the applicant a license to herd for a period not exceeding one year next ensuing after the date of the location of the herd ground.

Probate judge
to grant license.

SEC. 2. When a license to herd is presented to a county court, said court shall give a certificate, granting the holder of the license the right to employ a surveyor to designate the boundaries of the desired herd ground, and specifying the locality, and as near as may be the size of said herd ground, a plot of which must be made by the surveyor, and a copy thereof filed in the office of the county clerk, as soon as practicable.

Surveyor to
designate bound-
aries of herd
grounds.

SEC. 3. No herd ground shall be so located as to interfere with any previous rights, nor with the range necessary for the animals of any settler, or settlement.

Previous rights.

SEC. 4. All herdsmen shall be responsible for the safe keeping, and return of animals placed in their care; and if any such animal dies, or is missing by neglect; the owner thereof has claim on the herdsmen for its value, and for any damage that may have accrued from its loss.

Responsibility
of herdsmen.

SEC. 5. Improvements on herd grounds are all pertaining to them which can be sold or transferred, and no improvements shall be construed to imply any claim for herding purposes after the expiration of the time specified in the license.

Improvements
all that can be
sold.

SEC. 6. Any person driving animals, shall use due diligence to prevent driving those not in his care; and if he cannot prevent such animals from mingling, he shall leave them in the first estray pound, or yard, or enclosure for animals that he can obtain, and notify the owner if known, and if not, some resident, of the number, kind, and brief description of the animals which have mingled with his, and where he has left them.

Driving ani-
mals not in his
care.

SEC. 7. Any person driving animals into this Territory, shall, on arrival in the settlements, have them marked or branded if they are not, and forthwith report his mark or brand, and the number of his animals, specifying the number of each kind, and as soon as possible report, over his signature, said number, and mark or brand to the clerk of the county court of the first organized county which he reaches.

Animals to be
branded.

SEC. 8. Any person failing to comply with the requirements contained in this act, is liable for all cost

Liabilities.

and damage arising from his neglect, and to be fined at the discretion of any court having jurisdiction.

Approved Jan. 18, 1854.

CHAPTER LXVIII.

AN ACT prescribing the official terms of certain officers elected by the Legislative Assembly, and providing for vacancies.

Officers to be elected.

Terms of office.

Governor may supply vacancies.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That an auditor of public accounts, a treasurer, a territorial commissioner, a surveyor general for the Territory, and a notary public for each county, shall be elected by the joint vote of the present Legislative Assembly, who shall qualify as prescribed by law, and shall hold office for two years, and until their successors are qualified.

SEC. 2. Vacancies may be filled by executive appointment in the foregoing, or any offices, when the mode of supplying vacancies is not prescribed by law.

Approved Jan. 19, 1854.

CHAPTER LXIX.

AN ACT specifying the time when Acts and Resolutions begin to be in force and making them equally valid.

Laws in force from date of publication.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That each act and resolution is in force from the date of its publication in any public manner, unless a certain time is specified; and resolutions are equally valid with acts.

Approved January 19, 1854.

CHAPTER LXX.

PREAMBLE and ACT in relation to the construction of a Canal from Utah Lake to Great Salt Lake.

Whereas, a large portion of the citizens of Great Salt Lake county and vicinity, have subscribed considerable amounts for the purpose of constructing a canal connecting Utah and Great Salt Lakes, for the purpose of navigation, machinery, and irrigating the land, large bodies of which might be brought into successful cultivation, if water to irrigate with could be procured; and

Whereas, the aforesaid subscribers do propose to obtain further subscriptions, and petition for the Territorial Government to adopt some system of operations, and appoint an agent or commissioners who shall be authorized to superintend and construct said canal, and award land claims to the subscribers, equal to the amount which they shall pay respectively:

Therefore to aid by our influence, and desiring to encourage by our acts, so desirable an object:

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Ira Eldredge, Jesse W. Fox, and Robert Wimmer, are authorized to locate the route for said canal; solicit, receive, collect, and disburse subscriptions, and generally do all other things necessary for the progress and completion of said work.

Commissioners to locate canal, receive funds, &c.

SEC. 2. The aforesaid commissioners shall proceed without delay to locate the said canal, and make an estimate of the entire cost of its construction, upon the plan hereinafter indicated.

Commissioners to make estimate of cost.

SEC. 3. Said canal shall commence above the rapids in Jordan river, where a dam shall be constructed across said river of a sufficient height to cause slack water navigation to Utah Lake, and proceed as near the base of the mountains on the west side of Great Salt Lake valley as practicable, to Great Salt Lake; and shall be of sufficient depth and width for the transportation of boats drawing two and a half feet of water, and twelve feet width of hull. There shall also be good and sufficient guard locks, and locks for leveling, and waste gates; as also large reservoirs with good and sufficient embankments to contain water for irrigating purposes, at all convenient points.

Dam to be constructed.

Guard locks and waste gates.

Commissioners
to apportion
land claims.

SEC. 4. The commissioners shall survey the lands, which may be benefited by the construction of said canal upon each side thereof; likewise take into consideration the benefit arising to present holders of land claims, and apportion the land claims according to the estimated expense and cost of said canal, reserving at each terminus, and at such other convenient points along said canal, to be located by the Governor or his authorized agent, to the amount of four sections of land, to be held in reserve for future use and disposal.

Four sections
of land to be
reserved.

Further duties
of Commis-
sioners.

SEC. 5. The commissioners shall then proceed and assign unto the subscribers respectively, the possession of land claims, the right of water to irrigate, equal to the precise amount which they have paid, and no more; accommodating locations already made as far as practicable; and the residue shall be held in reserve for further subscription; and it is distinctly understood that the right of water for navigation, and machinery, is held in reserve for future use or disposal.

Right of water
for navigation,
&c., reserved.

Commissioners
to report to the
Governor.

SEC. 6. The aforesaid commissioners shall make a full and complete report of their doings herein, to the Governor, on or before the 1st day of October in each year, and oftener if required; and they shall also notify him when they have prepared the apportionment, that he make the reserve of land claims and possessions above mentioned.

Expenses of
surveying, how
paid.

SEC. 7. The expense incurred by surveying the land, shall be taxed upon the land claims, and be paid out of the subscriptions; and the expense incurred by locating and surveying the proposed canal, shall be defrayed by the subscriptions of the commissioners herein above appointed; and in case that the commissioners herein appointed do not accept of their appointments, or in case of a vacancy, the Governor is hereby authorized to appoint others in their stead.

Governor au-
thorized to fill
vacancies.

Approved Jan. 19, 1854.

CHAPTER LXXI.

AN ACT providing for the management of certain property.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the pro-

bate judge in each county is empowered and required to take possession of all property left by any deceased or abscondent person, when there is no legal claimant known, or sufficiently near to see to it in season; and shall forthwith appraise and make two lists of said property, and keep one on file, and furnish one to the Treasurer of the Perpetual Emigrating Fund.

Probate judge to take property belonging to deceased persons.

SEC. 2. It is hereby made the duty of every person having such property in his possession, or knowing it to be in the possession of any other person, to report the property forthwith, and the name of the person in possession thereof, to the probate judge of the county where said possessor is at the time; and said judge shall take possession of such property as soon as practicable, and proceed therewith as required above.

Responsibility of individuals.

SEC. 3. At the earliest practicable date, the probate judge shall place said property, or the avails thereof, in the possession of said Fund, the value thereof to remain there until proven away by a legal claimant, when said judge shall give an order therefor on the Treasurer of the Fund.

Property to be put into Perpetual Emigrating Fund.

SEC. 4. A failure to comply with the requisitions of this act, may be punished by costs, damages, and fine, adjudged by any court having jurisdiction.

Penalty for non-compliance.

Approved Jan. 20, 1854.

CHAPTER LXXII.

AN ACT concerning ferries and bridges on Weber and Bear rivers, east of the main range of the Wahsatch mountains.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Brigham Young is hereby empowered to establish, regulate and control ferries and bridges on Weber and Bear rivers, east of the main range of the Wahsatch mountains, and to specify the rates of toll for the use thereof.

B. Young empowered to establish and control.

SEC. 2. If any person in any manner operates in ferries and bridges on said rivers in the above named region, except under the above named control, unless under charter derived from the Governor and Legisla-

Penalties.

tive Assembly, he is liable for all costs, damages and fine that may be adjudged by any court having jurisdiction.

Repeal.

SEC. 3. An act granting to Phinehas H. Young and Brigham H. Young, the right to erect toll bridges across East Weber and Bear rivers, approved, Jan. 21, 1853, and an act to amend said act, approved, June 3, 1853, are hereby repealed.

Approved Jan. 20, 1854.

CHAPTER LXXIII.

AN ACT concerning transfer of land claims and other property.

Form of transfer.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the transfer of a land claim with the improvements thereon must be substantially in form as follows:—Be it known by these presents, that _____ of _____ the rightful claimant and owner of [here describe the property and its location, and, if required, any peculiar rights and appurtenances] do for the sum of _____ dollars paid by _____ of _____; or, in consideration of _____ good will to _____, (as the case may be) transfer all my claim to and ownership of the aforesaid property to the said _____ heirs and assigns. Dated this _____ day of _____ in the year _____.

When valid.

SEC. 2. To be valid, a transfer must be witnessed by two or more competent persons, be acknowledged before some person authorized to take acknowledgments; be recorded; and the record, page, and book be certified thereon, by the recorder in the county where the property is located.

Of property by gift valid.

SEC. 3. Other property than land claims and the improvements thereon, when disposed of by gift, must be transferred substantially in the same manner, and by

specification of kind, and number or amount, but, unless required the details may be omitted.

SEC. 4. Any person or body corporate, legally authorized to purchase and dispose of property, may transfer to any other person or body corporate all right-ful claim and ownership of property, by gift, and such transfer is and shall be deemed valid, and a bar to all claims whatever, except just liabilities incurred previous to the time of transfer.

SEC. 5. All laws and parts of laws conflicting with this act are hereby repealed. Repealing clause.

Approved Jan. 18, 1855.

CHAPTER LXXIV.

AN ACT concerning Fortifications.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That it is hereby made the duty of the county courts to divide their several counties into districts, the most convenient for the purpose of erecting necessary fortifications, to cause taxes to be levied for their erection; to prescribe the per cent to be laid upon the valuation of property within the district, and what amount shall be raised upon each lot within the survey and by poll-tax on each able bodied male person over eighteen years of age within the district, when an estimate is presented; to appoint a locating committee of three in each district; and to report to the auditor of public accounts annually by the first day of November the condition and cost of the fortifications within their counties. Locating Com., how appointed.

SEC. 2. It is the duty of the locating committee to select, survey, and plot each site to be fortified; to determine the kind and extent of the fortifications to be erected, and the repairs and alterations for those built or in progress; to estimate, and inform the county court of the amount necessary to be raised by any one Duties of.

Report of.

assessment, accompanied by an approximate valuation of the taxable property, and, as near as may be, the number of taxable polls in the district, and the number of lots, or amount of land in the survey; from time to time, to direct, examine, and approve or reject the doings of the superintendent in his application of the means raised, and report thereon to the county court; to appoint an "Assessor and Collector," and a superintendent.

Assessor and collector, how appointed.

Duties of.

On assessment.

On collecting taxes.

May sell property.

Must give notice.

Shall pay over collections.

Held responsible.

SEC. 3. The assessor and collector, upon receiving the assessment list and apportionment from the county court, shall forthwith proceed to assess all Territorial taxable property, at its fair cash, market value; shall collect the property, poll, and lot taxes as speedily as his judgment and the necessities of the case may require, whether by private or public sale of property subject to taxation, by giving reasonable notice of the time and place of any public sale, and of the kind of property to be thus sold; shall pay over collections to the superintendent once a month, or oftener if required; and shall be held responsible for the amount of tax, except such portions as the locating committee may from time to time, remit.

Superintendent duties of.

SEC. 4. The superintendent shall receive, and receipt for all funds paid him by the assessor and collector; when in possession of funds, shall apply the same in the most judicious manner his judgment will permit, and also any efficient, timely, and acceptable labor of those who thus prefer paying, for which his certificate shall be a legal tax tender; must take good and sufficient bonds of contractors; and, when any assessment is expended, shall report to the locating committee.

Officers how qualify.

SEC. 5. All officers named in this act shall enter upon their duties at the earliest practicable date; and those who collect, disburse, or apply means, shall qualify by giving bonds payable to the people of the district with approved security to the acceptance of the probate judge, which must be filed with, and kept by the clerk of the county court.

Locating committee to allow previous payment and labor.

SEC. 6. All payments made, or labor expended on fortifications now erected, or in progress of erection, shall be given due consideration and allowance by the locating committee, when an assessment is made.

Exemption clause.

SEC. 7. Nothing in this act shall be construed to interfere with the operations of corporate bodies for the

construction of fortifications, inasmuch as they have provided or soon will proceed efficiently to provide for the protection of the persons and property within their limits.

Approved January 10, 1855.

CHAPTER LXXV.

AN ACT in relation to County Recorders, and the acknowledgment of Instruments of writing.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the county recorders in their respective counties, shall keep books in which they shall record deeds, and all other instruments of writing, necessary and proper to be recorded by letter, line and figure, precisely as they occur therein, and in a fair legible manner; city plats and plats of surveys shall be recorded in the same manner: which books he shall duly transmit to his successor in office.

Recorders to keep books of record.

SEC. 2. The judges of the supreme and probate courts, their clerks, the clerks of the district courts, notaries public, the mayors and aldermen of the several incorporated cities, the county and city recorders, and justices of the peace; in their respective jurisdiction are authorized to take the acknowledgment of deeds, transfers and other instruments of writing.

Who may take acknowledgements of deeds and transfers.

SEC. 3. Whenever the acknowledgment of any instruments of writing is made, the officer before whom the acknowledgment is taken, shall affix his official signature thereto. The recorder shall certify on each instrument of writing recorded by him, the book, page, and date of the record.

The officer shall affix certificate.

SEC. 4. The county recorder shall not record any land to any person on application or by transfer, until a certificate of the survey has been produced that such land has been surveyed, and such certificate of survey has been approved and countersigned by one or more of the select men of the county.

Certificate of survey produced before recording.

Time for enclosing.

Land may be re-surveyed.

Recorder's fees.

SEC. 5. One year shall be allowed to persons having land surveyed, to enclose and fence said land; and on their failing to enclose said land within one year, their title to said land shall be nullified; and such land is common, and may be surveyed to any person applying for the same.

SEC. 6. The recorder shall be entitled to fifty cents for the first one hundred words, and twenty cents for each subsequent one hundred words, for each instrument of writing recorded by him, including the acknowledgment; and fifteen cents a lot for each plot recorded including the letters and figures thereon, and the certificate of record.

Approved Jan. 19, 1855.

CHAPTER LXXVI.

AN ACT in relation to the Penitentiary.

Officers & how elected.

Term of office.

Amount of bonds.

Bonds where filed.

Bonds may be increased.

Inspectors and warden appoint clerk.

Establish & regulations.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the penitentiary in Great Salt Lake county, shall be under the direction of three inspectors and a warden; who shall be elected by the joint vote of the Legislative Assembly, and whose term of office shall be two years, and until their successors are elected and qualified: said inspectors and warden shall, before entering upon the duties of their office, qualify by giving bonds, with security, to the people of the Territory, in the penal sum of \$5000, conditioned for the faithful discharge of the duties of their offices; which bonds shall be approved by, and filed with the auditor of public accounts; which bonds may be at any time increased by the auditor, when in his judgment, the public good shall require it.

SEC. 2. The inspectors and warden shall appoint a clerk, who shall be under their direction; and they must, from time to time, establish rules and regulations for the direction of the officers of the penitentiary, in the discharge of their duties; for the government and

discipline of the convicts, and the custody and preservation of the public property; and must cause a copy of all rules and regulations to be certified by the board, and delivered to the warden.

SEC. 3. The warden shall have the care and custody of the prison, and of the convicts therein in conformity to their respective sentences; and of all public property belonging thereto; and shall appoint a deputy, and such number of overseers as shall be necessary, for the government and control of the convicts, and the preservation of the public property; which deputy and overseers shall qualify by giving bonds to, and be approved by, and filed with the warden.

Warden have
care of prison
and convicts.

Appoint deputy
and overseers.

Who shall qual-
ify.

SEC. 4. The inspectors, or one of them, must visit the penitentiary at least once a month; and it must be visited by the board of inspectors once in three months, and oftener if they think necessary, for the purpose of inspecting and ascertaining if the laws, rules and regulations relating thereto, are duly observed, and the convicts properly governed. Each of them shall at all times have free access to all parts of the prison, and inspect all the books and accounts pertaining thereto.

Inspectors.
Visit the pris-
on, inspect
books, &c.

SEC. 5. All articles of food, clothing, bedding, raw materials for manufactory, and other articles that may be necessary for the use of the prison, must be furnished by the warden; who is hereby authorized to draw on the Territorial Treasurer for any amount necessary to defray such expenses; and shall make, or cause to be made, in the books of the prison, regular entries of all pecuniary or other concerns of the prison. He shall keep a register of all convicts delivered into the prison, their names and ages, place of birth, and a particular description of their persons, their former occupation, the time for which they are sentenced; and shall report to the auditor of public accounts, on or before the 1st of October, in each year, the number of convicts received, the crime of each, the age, the term of punishment, the kind and quality of labor of each; the names of those discharged, and on what grounds; the expenditures of the prison, and the amount realized from the labor of the prisoners, together with all other matters he shall deem necessary.

Warden shall
provide all ne-
cessaries &c.

May draw on
Territorial
treasury.

Must keep
books.

Keep register of
convicts.

Report to audit-
or.

Approved Jan. 16, 1855.

CHAPTER LXXVII.

AN ACT to encourage the raising of flax, hemp, and tame sun-flower seed.

Amount of ap-
propriation for
premiums.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of four hundred and thirty-seven dollars and fifty cents, be and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, to be paid in awarding premiums, as follows:

Flax seed.

SEC. 2. The person that shall raise the greatest number of bushels of flax seed, and the greatest amount of lint from two acres of ground, shall be entitled to a premium of one hundred dollars, the person raising the greatest number of bushels from one acre, shall be entitled to fifty dollars, the person raising the greatest number of bushels from one half acre shall be entitled to twenty-five dollars; and the person raising the greatest number of bushels from one fourth of an acre, shall be entitled to twelve dollars and fifty cents.

Hemp lint.

SEC. 3. The person who shall raise the greatest number of pounds of hemp lint from one acre, shall be entitled to one hundred dollars; the person raising the greatest number of pounds from one half acre, shall be entitled to fifty dollars; and the person raising the greatest number of pounds from one fourth acre, shall be entitled to twenty-five dollars.

Tame sun-flow-
er seed.

SEC. 4. The person who shall raise the greatest number of bushels of tame sun-flower seed from one acre shall be entitled to fifty dollars; and the person raising the greatest number of bushels from one half acre, shall be entitled to twenty-five dollars; provided, that no more than one of the above premiums on flax seed, hemp lint, or tame sun-flower seed, shall be awarded to the same person.

Premiums con-
ditions to draw.

SEC. 5. All claims for the above premiums must be accompanied with sufficient evidence of the amount of ground sown; the number of bushels sown, and how prepared; and that it was raised in the year 1855, by the person claiming the premium; and be accompanied by a written statement of the amount of seed sown, number of acres, kind of soil, and how prepared, when sown, when harvested, and quality of lint seed produ-

ced. Said evidence and statement must be filed with the auditor of public accounts on or before the first of December next.

SEC. 6. As soon after the first of December as practicable, the auditor shall give each successive claimant an order on the Treasurer for the amount of premium due.

Auditor to give orders.

Approved Jan. 19, 1855.

CHAPTER LXXVIII.

AN ACT granting to Heber C. Kimball, Jedediah M. Grant, Samuel Snyder, and their associates the right of ground for herding.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the exclusive right of use of the ground, commonly known as Parley's Park, and the adjoining valley lying southward, including Silver creek, is hereby granted to Heber C. Kimball, Jedediah M. Grant, Samuel Snyder, and their associates for herd grounds, for the period of twenty years.

H. C. K., J. M. G., and S. Snyder's grant for herd ground.

Term of years.

Approved January 19, 1855.

CHAPTER LXXIX.

AN ACT appropriating money for educational purposes.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of two thousand five hundred dollars be appropriated for building an academy in Great Salt Lake City.

The sum of \$2500, appropriated.

SEC. 2. President Brigham Young is authorized to select the site, and furnish the plan for said academy, and appoint an agent to erect said building, and draw

B. Young to select site and draw on auditor.

upon the auditor of public accounts for the above amount, as the means shall be needed to defray the expense thereof.

Approved Jan. 19, 1855.

CHAPTER LXXX.

AN ACT granting unto Miles Weaver and Franklin Weaver a herd ground in Utah county.

Boundaries of
herd ground.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of land lying west of Utah lake, and between said Lake and the summit of the mountain ridge dividing that from Cedar valley on the west, and extending from the county line between Utah and Great Salt Lake county, south along the western shore of the Jordan river, and Utah lake five miles south of the present bridge across said river near Lehi city is granted unto Miles Weaver and Franklin Weaver for a herd ground.

Exclusive privilege granted to
M. & F. Weaver.

SEC. 2. The said Miles Weaver and Franklin Weaver shall have the exclusive privilege and control of said ground, and shall comply with the existing laws in relation to herding.

Privilege of the
people of U. T.

SEC. 3. The inhabitants of Utah Territory shall not be debarred the privilege of timber, wood or poles from the ground herein granted, and grazing their teams thereon, while actually engaged in hauling the same.

Approved Jan. 19, 1855.

CHAPTER LXXXI.

AN ACT altering and defining the boundary line between Juab and San Pete counties.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the bound-

dary line between Juab and San Pete counties be, and hereby is removed east to the summit of the dividing ridge between Juab and San Pete vallies; and that the southern terminus of said line shall be at a point five miles north of the parallel of latitude forming the southern line of Juab county, thence due west to the meridian passing through the highest summit of Mount Nebo.

Boundary line.
designated.

SEC. 2. So much of section nine of "An Act defining the boundaries of counties, approved March 2, 1852" as conflict with the provisions of this act, is hereby repealed.

Repealing
clause.

Approved Jan. 18, 1855.

CHAPTER LXXXII.

AN ACT in relation to the Jordan bridge in Great Salt Lake City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all Territorial rights, interest and liabilities in, and to the Jordan bridge, on North Temple street, in Great Salt Lake City, are hereby transferred to Great Salt Lake City, to be hereafter under the control of the Municipal authorities thereof.

Territorial
rights transfer-
red to G. S. L.
city.

Approved Dec. 30, 1854.

CHAPTER LXXXIII.

AN ACT incorporating Cottonwood Canal Company.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Brigham Young,

Isaac Chase, Feramor Little, A. O. Smoot, their associates and successors, be, and the same are hereby constituted a body corporate, to be known by the name and style

I. Chase, F.
Little, A. O.
Smoot form
company, &c.

of "Cottonwood Canal Company," for the purpose of making a canal from the Big Cottonwood into Great Salt Lake City, and using the same.

Powers of.

SEC. 2. Said company shall have power to sue and be sued, to defend and be defended in all courts of law or equity, to hold, lease, rent, or convey property, real or personal; and shall have perpetual succession for the term of fifty years, and may have a corporate seal, which they may use and alter at pleasure. And to do all other acts necessary for the proper exercise of the powers conferred, and establish all needful rules and regulations of the privileges conferred in this act.

Right of.

SEC. 3. The aforesaid company shall have the right and privilege, and the same are hereby conferred, to take out one half of the Big Cottonwood creek, in Great Salt Lake county, at or near the line of the present survey of the canal, from said creek, and conduct the same, upon or near said line of survey into Great Salt Lake City, and are allowed to take out more than one half of said water; provided, the excess of more than one half of said creek taken out, shall not infringe upon the irrigation of lands below.

Control of water.

SEC. 4. The company shall have the entire control and management of all the waters thus taken out, and may use the same for the irrigation of lands, for mills and machinery of any kind, and for navigation, and all other lawful purposes whatsoever. And have the right of way for tow paths, and access to and from the same; may sell, lease, and dispose of the same or any portion thereof, for any or all of the above purposes, on such terms and conditions as the parties may agree.

Privilege of land.

SEC. 5. The company shall have the privilege of land claims along the line of said canal, upon the east side one mile in width, and on the west side one half mile in width—except legal claims therein, now existing—and may sell, transfer, and dispose of the same to aid them in the construction of said canal. They may receive payment from those already holding land claims for whatever benefit they may receive by the canal passing through or by their claims.

To prevent damage by water.

Build bridges &c.

SEC. 6. The company shall use every reasonable exertion to keep the water from doing damage by flooding or otherwise, and construct good and sufficient bridges at convenient distances across said canal for the accommodation of the public.

SEC. 7. After the completion of the canal and when it shall have become sufficiently available to enable them to do so, the company shall refund the amount heretofore advanced by the Territory, or any person, for the construction of said canal.

Co. to refund what has heretofore been advanced.

Approved Jan. 15, 1855.

CHAPTER LXXXIV.

AN ACT locating the county seat of Tooele county.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the county seat of Tooele county shall be, and hereby is located at Richville, in said county. Where located.

SEC. 2. It shall be the duty of the county court to locate the site for said county seat, in said Richville, at the most convenient point; who shall also cause a survey for the same, and record the plat thereof in the recorder's office; a copy of which record shall also be returned to the surveyor general's office, at the seat of government. By whom located.

SEC. 3. That said county seat shall be, and hereby is known by the name of Richville. Name of.

Approved Jan. 16, 1855.

CHAPTER LXXXV.

AN ACT to attach a portion of Davis county to Great Salt Lake county; also to attach a portion of Weber county to Davis county.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of Davis county lying on the west side of Jor-

A portion of Davis co. attached to G. S. L. co.

dan river is hereby attached to Great Salt Lake county.

A portion of
Weber co. at-
tached to Davis
co.

SEC. 2. That all that portion of Weber county south of a line running down the centre of the main channel of the Weber river, to a point due north of the north-west corner of Kington's fort, thence due west to the Great Salt Lake, be, and is hereby attached to Davis county.

Approved Jan. 10, 1855.

CHAPTER LXXXVI.

AN ACT appropriating money to the Adjutant General of the Nauvoo Legion, and others.

Money to Adj.
Gen., \$500.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of five hundred dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to H. B. Clawson, for services as adjutant general of the Nauvoo Legion, and for office rent, fuel and stationery for the year 1854: and the further sum of seventy-five dollars to pay for a writing desk for use of adjutant general's office:

To Auditor
public accounts,
\$400.

SEC. 2. That the sum of four hundred dollars, be paid out of the public treasury to Asa Calkin, auditor of public accounts, as compensation for his services for the year 1854.

To Surveyor
Gen., \$500.

SEC. 3. That the sum of five hundred dollars, be paid out of the public treasury to Jesse W. Fox, surveyor general, as compensation for services, office rent, &c., to the end of the year 1854.

To Territorial
Treas. \$200.

SEC. 4. That the sum of two hundred dollars be paid out of the public treasury to Daniel Mackintosh as compensation for services as Territorial treasurer for the year 1854.

Approved Jan. 18, 1855.

CHAPTER LXXXVII.

AN ACT to incorporate the Weber Kanyon Road Company.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Ira N. Spaulding, Abiah Wardsworth, and Thomas J. Thurston with their associates and successors, be, and the same are hereby made and constituted a body corporate subject to the revision of the Legislative Assembly, for the term of twenty years from the passage of this act, for the purpose of making a road up the Weber Kanyon, and to take toll thereon, commencing at or near the mouth of said kanyon, thence up the river to a place where the present emigration road crosses said river.

Ira N. Spaulding and others, a body corporate, term of years.

SEC. 2. The aforesaid company are hereby authorized to elect their own officers, and make such laws and regulations as the company shall think best for the completion of said road.

The company to elect officers, make regulations.

SEC. 3. The company are hereby required to make a good wagon road, and keep the same in repair, up said kanyon, between the places included in the provisions of this act, to the acceptance of the county court of Weber county; and shall have the privilege of erecting a toll gate on said road at such place as they shall think best.

Road to be made to the acceptance of the county court of Weber county.

SEC. 4. The company shall further be required to keep an account of all labor done on said road, and the expense of the same, and when completed, and accepted according to the provisions of this act, report the same to the above named court, who shall be required to establish the rates of toll to be taken on said road, or any portion of it, if said court deem it necessary.

The company to keep account make report. County court determine the tolls.

SEC. 5. The aforesaid company are hereby required to give bonds, with approved security, to the acceptance of the county court of Weber county, which shall be filed in his office, and shall be liable for all damage that may occur through the non-compliance of this act.

Bond and liabilities.

Approved Jan. 19, 1855.

CHAPTER LXXXVIII.

AN ACT to incorporate the Provo Kanyon Road Company.

SEC. 1. Be it enacted by the Governor and Legisla

Aaron Johnson
and others form
a body corpor-
ate. Term of
twenty years.

County court
accept road and
rate tolls.

Name and style
of company;
company to
elect officers,
make laws, &c.
laws valid.

Bonds and lia-
bilities.

tive Assembly of the Territory of Utah: That Aaron Johnson, Thomas S. Williams, Evan M. Greene, and William Wall, with their associates and successors, are hereby constituted a body corporate and politic, for the term of twenty years, from and after the first day of April, 1855, subject to the revision of the Legislature at any time, with the exclusive right of making a good wagon road (to the acceptance of the county court of Utah county) from the mouth of Provo Canyon, in Utah county, to Kamas Prairie, thence to continue north easterly on the most feasible route, till it intersects the main travelled road from the United States to Great Salt Lake City, near Black's Fork, in Green River county, Utah Territory, and keep the same in good repair, with the privilege of taking toll thereon, at such specified rates as shall be established by the aforesaid county court.

SEC. 2. Said company shall be known by the name and style of the Provo Canyon Road Company, and shall have power to elect such officers, make such laws and regulations as shall by the company be deemed necessary to accelerate and complete said road herein contemplated, according to the provisions of this act, for and during the aforesaid term of twenty years from the first day of April, 1855, which laws shall be valid in all courts having jurisdiction thereof in this Territory.

SEC. 3. Said company shall give bonds to the people of the Territory of Utah, in the penal sum of five thousand dollars, conditioned for the faithful compliance with the conditions of said charter, and to secure all persons for any damage that may accrue from their neglect, which bonds shall be accepted by and filed with the probate judge of Utah county.

Approved January 19, 1855.

CHAPTER LXXXIX.

AN ACT granting James Brown, sen., of Ogden City, the right to erect Toll Bridges across the Weber and Ogden rivers in Weber county.

SEC. 1. Be it enacted by the Governor and Legisla-

tive Assembly of the Territory of Utah: That James Brown, senior, of Ogden City, is hereby authorized and required to erect, on or before the first day of September, A.D. 1855, to the acceptance of the territorial road commissioner, a good, durable and substantial bridge, on or near the Territorial Road, across the Weber river, in Weber county, and keep it, in connection with the bridge that is now built across Ogden river, constantly in good repair; and when accepted, as above named, to charge toll for crossing each bridge of the above named rivers, viz:

James Brown to erect bridges by Sept. 1855, to acceptance of territorial road commissioner, when accepted to charge toll.

For each vehicle drawn by two animals	-	\$2,00
Two additional animals to said vehicle	-	,50
Man and horse	- - - - -	,50
For each pack animal	- - - - -	,50
For each loose horse, mule, jack, cow, bull,		
or ox	- - - - -	,25
For each loose hog, calf, colt or goat, or sheep		,05
For each footman	- - - - -	,10

Rate of toll.

SEC. 2. Residents of the Territory, who pay by the year, shall not be charged more than one-half of the above mentioned rates.

Rate of toll to residents of county.

SEC. 3. Said bridges must be made thirteen feet wide, with a good and substantial hand railing four feet high; the timber and planking must be of the best red pine; the planking two and a half inches thick, and not over ten inches wide. And at the end of five years from the time of the acceptance of said bridges by the territorial road commissioner, shall be turned over to the territorial road commissioner, in good condition, to be thereafter the property of this Territory. And the said James Brown shall make good roads across the Flats, and keep the same in repair, and when the bridges become territorial property, he shall be paid the value of said roads at the time as appraised by the commissioner.

Bridges how built, when turned to the Territory; road across the flats.

SEC. 4. If any person shall erect, or cause to be erected, any bridge or ferry across either of said rivers in Weber county, and charge travelers for crossing the same, except those to whom such right has been, or shall hereafter be granted by the Governor and Legislative Assembly, he shall be fined in any sum not exceeding five thousand dollars to be recovered before any court having jurisdiction, and such fine, when collected, shall be paid into the territorial treasury.

Persons erecting bridge and establishing ferries, liable to fine.

James Brown
may establish
ferries until
said bridges are
completed.

SEC. 5. That James Brown, senior, shall have the right to establish a ferry or ferries across said rivers until the said bridges shall have been completed, and charge ferriage at the same rates as provided for toll. And in case that either of the above named bridges should be carried off by high water or accident, the above named James Brown shall have the right to erect ferries across said rivers and charge toll at the above named rates.

James Brown,
bonds and lia-
bilities of

SEC. 6. The said James Brown, senior, is hereby required to file bonds, with security, payable to the Territory of Utah, in the penal sum of five thousand dollars, to be approved by the auditor of public accounts, and filed in his office, conditioned for the payment of any damage that may accrue by any avoidable accident, arising from his neglect, on either of said bridges.

Repealing
clause.

SEC. 7. The act approved June 4, 1853, granting unto James Brown, senior, of Ogden City, the right to erect toll bridges across Weber and Ogden rivers in Weber county, be and the same is hereby repealed.

Approved January 6, 1855.

CHAPTER XC.

AN ACT to incorporate Big Canyon Road Company.

H. C. Kimball
and others a
body corporate,
term twenty
years, right to
make road,
territorial road
commissioner
to accept road,
may take toll,
county court to
define rates.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Heber C. Kimball, Jedediah M. Grant, Samuel Snyder, and their associates and successors, are hereby constituted a body corporate for the term of twenty years, subject to the revision of the Legislature at any time, with the exclusive right of making a road beginning at the mouth of Big Canyon, in Great Salt Lake county, thence via Parley's Park to Kamas Prairie, in Utah county, and keep the same in good repair, to the acceptance of the territorial road commissioner, and shall have power to charge and collect toll at such places and such rates as may be specified by the county court of Great Salt Lake county.

SEC. 2. Said company shall be known by the name

and style of "Big Canyon Road Company," and by that name shall be qualified to sue and be sued, to elect such officers, and establish such laws and regulations as may be necessary for the early completion of said road, and for carrying into full effect the provisions of this act.

Name and style of company; elect officers, make laws, &c

SEC. 3. The county court of Great Salt Lake county is hereby authorized to specify the places of collection, and rates of toll to be collected on said road, and the said company when requested by said court, shall make a report of all expenses of making and keeping said road in repair to said court.

County court of Great Salt Lake county, powers of.

SEC. 4. Said company shall give bonds to the people of the Territory of Utah in the penal sum of five thousand dollars, conditioned for the faithful compliance with the conditions of this charter, and to secure all persons for any damage that may accrue from their neglect, which bonds shall be accepted by, and filed with the probate court of Great Salt Lake county.

Bonds and liabilities.

Approved January 19, 1855.

CHAPTER XCI.

AN ACT granting unto Orson Hyde, John Reese and Enoch Reese, of Great Salt Lake City, the right to erect Bridges across Carson River, and make a road in Carson Canyon.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Orson Hyde, John Reese, and Enoch Reese, their associates and successors, are hereby authorized and required to erect at the earliest possible date, good durable and substantial bridges across Carson river, in Carson county, also to make a good passable road up Carson River Canyon, with the privilege of extending said road to the state line of California, and keep the same in good repair to the acceptance of the county court of Carson county, who are hereby authorized to control all roads, bridges and canyons, and regulate the toll thereof, in said county, and when accepted by said court, shall have the privilege of erecting a toll gate or gates on

Orson Hyde, John Reese and Enoch Reese, their rights in relation to road and bridges in Carson Co.

County Court powers of.

said road, and charging toll for travel thereon at such rates as shall be prescribed by the said county court.

Persons making ferries, erecting toll bridges, or gates, in said county, without legal authority, fine of. SEC. 2. If any person shall erect, or cause to be erected any bridge or ferry across said river, in Carson county, and charge travellers for crossing the same, or erect any toll gate in said county, except those to whom such right has been, or may hereafter be granted by the Governor and Legislative Assembly, he shall be fined in any sum not exceeding five thousand dollars, to be recovered before any court having jurisdiction and paid into the territorial treasury.

Company to pay into P. E. F. ten per cent. SEC. 3. Said company shall pay into the Perpetual Emigrating Fund ten per cent annually of all proceeds arising from said charter.

Bond and liabilities of comp. SEC. 4. Said company shall give bonds to the people of the Territory of Utah in the penal sum of five thousand dollars, conditioned for the faithful payment of said per centage, and to secure all persons for any damage that may accrue from their non-compliance with the conditions of said charter, which bonds shall be accepted by and filed with the clerk of the probate court of said county.

Road & bridges turned to the Territory. SEC. 5. At the expiration of five years from the acceptance of the county court, the road and bridges of the same shall be turned over to the Territory of Utah, in good condition, to be thereafter the property of the Territory.

Approved January 19, 1855.

CHAPTER XCII.

AN ACT in relation to the Delinquent Territorial Taxes of San Pete county, Utah Territory.

Delinquent taxes of San Pete county, where appropriated. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah Territory: That the delinquent territorial tax of San Pete county for the years 1852, 1853 and 1854, be, and the same is hereby appropriated to said county, to be laid out under the

direction of the county court, upon the county road between Manti and Nephi cities, within said county, and it shall be the duty of the clerk of said court to make a report of the same to the auditor of public accounts by the first of June, 1855.

County court to direct.

And to report.

Approved January 19, 1855.

CHAPTER XCIII.

AN ACT to amend the charters of Great Salt Lake, Provo, Manti and Parowan cities.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the following amendments to the charters granted to Great Salt Lake, Ogden, Provo, Manti, and Parowan cities, are hereby adopted, namely:

Amendments.

In section 38 line 11, that it read "probate court" instead of "county court".

In section 44 line 5, that it read "probate court" instead of "county court."

Approved Jan. 16, 1855.

CHAPTER XCIV.

AN ACT relating to Common Schools.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That "the Chancellor and Board of Regents of the University of the State of Deseret," shall appoint a superintendent of common schools for the Territory of Utah, who shall hold his office during the pleasure of said board, and whose duty shall be, to make an annual report to the regency, on or before the first day of November in each year, and also to perform such other duties as may be

Superintendent of, how appointed.

Term of office.

Report of.

required of him by said board, in connection with, and the number and condition of common schools in the Territory.

Duties of county courts.

SEC. 2. That the county courts, in the Territory of Utah, shall at their first term hereafter, see that their respective counties are divided into suitable school districts, and shall notify the inhabitants, as soon as districts are formed, to meet within ten days, and choose three trustees, who shall appoint their own clerk, and they shall act for one year, and until their successors are chosen and duly qualified.

Trustees appointed.
Term of office.

Tax how assessed and collected.

SEC. 3. Said trustees shall assess and collect a tax upon all taxable property in said district, at such rate per cent as may be decided upon by vote of the district meeting, and in case of the neglect or refusal of any person to pay the tax assessed, upon being duly notified thereto, the trustees shall have power to dispose of any taxable property, and any conveyance made upon such sale shall be valid.

Trustees, duties of.

SEC. 4. The trustees shall, out of the funds collected, see that a suitable building or buildings, with necessary appendages, are furnished, wherein a school or schools shall be taught; keep the same in repair, and supply the fuel required; and they shall make an annual report on or before the 15th of September to the board of examination in their respective counties, of their official doings, together with the amount of funds collected and how expended up to the first day of said month.

Report &c.

Board of examination appointed.

Duties of.

SEC. 5. It shall be the duty of the county court to appoint in their respective counties a board of examination, to consist of three competent men whose duty it shall be to hear and determine the qualifications of school teachers, and all applicants of a good moral character that are considered competent, shall receive a certificate to that effect signed by the board. Said board of examination shall make a complete and full report of all the schools, the number of scholars, the amount of money which has been collected, the amount expended, and the length of time schools have been kept during the year, to the superintendent of common schools on or before the first day of October in each year.

Report of.

Superintendent's bond.

SEC. 6. The superintendent of common schools shall give bonds with approved security to the chancel-

lor of the University of Deseret, for the faithful performance of his duties, which shall be filed in the office of the secretary of said university. And all other officers created by virtue of this act shall give bonds with approved security to, and be qualified by the nearest justice of the peace in the respective districts where they are appointed, conditioned for the faithful performance of their duties, the forfeiture of which bonds shall in the case of the examiners of common schools, go into the county treasury for the benefit of the county, and in the case of trustees, such forfeiture shall be for the benefit of the district school, and these bonds shall be filed in the office of the probate judge of the county.

The bonds and qualifications of other officers.

SEC. 7. Nothing in this act shall be so construed as to interfere with any of the chartered rights of any of the cities of this Territory; but the trustees and inspectors of schools in such chartered cities, having established schools, shall make a report of their doings, the same as the counties above specified, to the board of examiners of common schools as above directed.

Chartered rights of cities not interfered with.

Trustees in cities to report.

SEC. 8. All acts and resolutions, heretofore passed, in relation to common schools, are hereby repealed.

Repeal.

Approved Dec. 30, 1854.

CHAPTER XCV.

AN ACT in relation to the compilation and revision of the Laws and Resolutions in force, in Utah Territory; their publication and distribution.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the following compilation of the laws shall be published with the amendments and alterations therein specified, and the new amendments therein made are valid in law: all other laws and resolutions not included in said list, the laws and resolutions of the present session excepted, are deemed repealed, obsolete or not necessary to reprint.

Laws and resolutions that are valid.

Not valid.

List of laws,
resolutions, and
memorials.

SEC. 2. The following is the compilation above referred to:

Book.	Page.	Approved.	
1	3	Sept. 17, 1787	Constitution of United States and amendments.
2	82	March 18, 1849	Constitution of the State of Deseret.
			ORDINANCES OF THE STATE OF DESERET.
2	90	Jan. 15, 1850.	Providing for State and County Road Commissioners. Sec. 1 insert "2 years" instead of "4 years."
2	92	Feb. 28, 1850.	Incorporating the University of the State of Deseret. Sec. 11. leave out, numbering the other sections accordingly. Sec. 14. changed to read, "the Secretary and Treasurer shall each present a full and explicit report in writing of the situation, funds, and doings of the University in their several departments, by the 15th of October of each year, to the Auditor of Public Accounts."
2	94	March 2, 1850	In relation to County Recorders; leave out section 6.
2	95	" " "	Creating a Surveyor General's office. Sec. 1. insert "2 years," instead of "4 years."
2	96	" 28, 1850	Prohibiting the sale of arms, ammunition, or spirituous liquors to the Indians.
2	96	Dec. 9, 1850	To control the waters of the Twin Springs, and Rock Spring, in Tooele valley and county for mills and irrigating purposes.
2	96	" " "	Concerning City Creek and canyon.
2	97	Jan. 9, 1851	Granting the waters of North Mill Creek canyon, and the waters of the next canyon north, to Heber C. Kimball.
2	97	Jan. 19, 1851	To incorporate Great Salt Lake City. Sec. 5. insert "April" instead of "March." Secs. 38 and 44, insert "Probate Court," instead of "County Court."
2	105		Secs. 47 and 48, not reprint.
2	105	Jan. 9, 1851	In relation to the timber in the mountains, west of Jordan.
2	106	Jan. 9, 1851.	In relation to the timber in the canyons and mountains leading into Tooele valley and the canyons between Salt Lake valley & Tooele.
2	107	Jan. 18, 1851	Pertaining to North Cottonwood canyon. Sec. 2., leave out.
2	107	Feb. 6, 1851	Incorporate Ogden City.

Book.	Page.	Approved.	
			Sec. 5, insert "April" instead of "March." Secs. 38 and 44, "Probate Court" instead of "County Court." Sec. 47, not reprint.
2	114	Feb. 6, 1851.	To incorporate the city of Manti. Sec. 5, "April" instead of "March." Secs. 39 and 44, "Probate Court" instead of "County Court." Sec. 47, not reprint.
2	122	" " "	To incorporate Provo City. Sec. 5, "April" instead of "March." Secs. 38 and 44, "Probate Court," instead of "County Court." Sec. 47, not reprint.
2	129	" " "	To incorporate Parowan City. Sec. 5, "April" instead of "March." Secs. 38 and 44, "Probate Court" instead of "County Court." Sec. 47, not reprint.
2	136	Feb. 8, 1851	Incorporating the Church of Jesus Christ of Latter Day Saints.
2	138	Feb. 12, 1851	For the establishment and regulation of estray pounds.
2	140	" " "	Relating to inclosures and trespass.
2	141	" " "	Regulating the manufacturing and vending of a dent apirts.
2	142	" " "	In reference to vagrants.
1	27	Sept. 9, 1850	Organic act for the Territory of Utah.
ACTS OF UTAH TERRITORY.			
1	205	Oct. 4, 1851	Joint resolution legalizing the laws of the Provisional Government of the State of Deseret.
1	38	Feb. 4, 1852	In relation to the Judiciary. Sec. 1. leave out. Sec. 2. revised, and number accordingly. Sec. 26, leave out the words "for the transaction of business requiring notice." Sec. 36, line 4, read "it" instead of "him." Sec. 38, line 3, read "roads" instead of "bonds." Sec. 42. Sessions of the county courts shall be held quarterly, on the first Monday in March, June, September and December in each year, and oftener if they deem it necessary.
1	48	Feb. 4, 1852	In relation to justices of the peace. See "Mode of procedure in civil cases, Book 2, page 6.
1	52	Feb. 5, 1852	Creating the office of select men and prescribing their duties.

Book.	Page.	Approved.	
1	53	March 3, 1852	Regulating the practice in the several courts in Utah Territory in civil suits; leaving out the first five sections and numbering the rest accordingly, under the title of "An act concerning stay of executions."
1	55	Feb. 18, 1852	For the regulation of attorneys.
1	56	March 3, 1852	In relation to marshals and attorneys.
1	58	Feb. 2, 1852	In relation to writs of Habeas Corpus.
1	62	March 3, 1852	Governing writs of Attachment and Capias.
1	64	" " "	Concerning writs of Replevin.
1	65	" " "	In relation to writs of Ejectment.
1	67	" " "	In relation to estates of decedents.
1	74	" " "	Defining what may be trespass and damage.
1	75	Feb. 7, 1852	Concerning Masters and Apprentices.
1	78	Feb. 6, 1852	In relation to Minors.
1	79	Feb. 3, 1852	In relation to Guardians.
1	80	Feb. 4, 1852	In relation to Service.
1	82	March 6, 1852	In relation to bills of divorce.
1	84	March 1, 1852	In relation to marks and brands. Sec. 11. instead of "fifty cents" insert "one dollar."
1	88	March 3, 1852	Regulating the passing and meeting of teams on the public highways.
1	88	" " "	To provide against disturbing religious meetings, or lawful assemblies of the people.
1	89	" " "	In relation to profanity and drunkenness.
1	89	" " "	Concerning Notaries Public. Sec. 1. attach "whose term of office shall be for two years, and until his successor is appointed and qualified."
1	91	March 6, 1852	A preamble and act for the further relief of Indian slaves and prisoners.
1	94	March 3, 1852	In relation to the assembling of Indians.
1	94	" " "	To regulate Surveyors and surveying.
1	98	March 6, 1852	In relation to Utah Library. Sec. 8. omitted.
1	109	Feb. 14, 1852	Apportioning the representation of Utah Territory.
1	113	Jan. 20, 1852	To provide for the appointment of a Territorial treasurer; and auditor of public accounts. Sec. 1. "2 years" instead of "4 years."
1	115	Feb. 3, 1852	To create the office of a county treasurer in each county of the Territory of Utah, and to define the duties thereof.
1	117	March 6, 1852	In relation to crimes and punishments.
1	143	March 3, 1852	Providing for the bridging of ditches or cuts leading across the highways.
1	143	Feb. 5, 1852.	To provide for the further organization of the militia of the Territory of Utah.

Book.	Page.	Approved.	
			Sec. 26, par. 4. leave out, and number accordingly.
1	160	Feb. 5, 1852	In relation to the inspection of spirituous liquors.
1	161	Feb. 18, 1852	Locating the county seat of Davis county.
1	161	Oct. 4, 1851	To provide for the organization of Millard county, and to name the seat of government.
1	162	March 3, 1852	Defining the boundaries of counties.
1	169	Feb. 3, 1852	Granting the control of waters from Mill creek, in Great Salt Lake county, unto Willard Richards.
1	170	Feb. 5, 1852	Granting waters of Mill creek unto President Brigham Young.
1	170	Feb. 16, 1852	For the improvement of Big Canyon creek road.
1	171	Feb. 18, 1852	In relation to the waters of American creek in Utah county.
1	173	Jan. 16, 1852	Creating the office of code commissioners and prescribing their duties.
1	176	Feb. 10, 1852	To incorporate Cedar city, in Iron county, Utah Territory.
			Sec. 5. insert "April" instead of "March."
			Sec. 47. leave out.
1	184	Feb. 5, 1852	To incorporate the city of Lehi.
			Sec. 5. insert "April" instead of "March."
			Sec. 47 and 48 leave out.
1	192	Feb. 13, 1852	To incorporate Fillmore city in Millard county.
			Sec. 5. insert "April" instead of "March."
			Sec. 47. leave out.
1	200	March 6, 1852	To incorporate Nephi city.
2	5	Dec. 23, 1852	In relation to the militia.
			Sec. 5. omit.
2	6	Dec. 30, 1852	Regulating the mode of procedure in civil cases in the courts of the Territory of Utah.
			Sec. 14. Revised "when complaint is made and substantiated against a non-resident, or absconlent debtor, and the plaintiff has given the requisite security, the court shall issue an order to the proper officer to take his property, or sufficient thereof to liquidate the debt and costs: and appoint three competent persons who shall proceed forthwith under oath to appraise the property; whereupon the court shall advertise its order in one newspaper printed in this Territory, and send a copy thereof to the defendant, if his residence is known or presumed, and shall offer the property to the plaintiff for his acceptance, and if refused shall pro-

Book.	Page.	Approved.	
			ceed to sell the same at public or private sale for money, at not less than three-fourths its appraised value, and pay the demands, and deposit any surplus in the county treasury, to the credit of the defendant; and such defendant may be heard in the matter at any period within seven years."
2	10	Jan. 3, 1853	Regulating elections.
2	13	Jan. 13, 1853	To prevent the needless destruction of fish.
2	14	Jan. 17, 1853	To incorporate the Deseret Iron Company.
2	17	" " "	Granting unto Daniel H. Wells, the right to erect ferries across Green river, and to control the same.
2	18	Jan. 17, 1853	To incorporate the Provo Canal and Irrigation Company.
2	20	Jan. 21, 1853	To incorporate the Provo Manufacturing Company.
			Sec. 7. leave out.
2	23	Jan. 21, 1853	To incorporate the city of Springville.
2	30	Jan. 21, 1853	Regulating the mode of procedure in criminal cases.
			Sec. 27. Insert after the word "court" the words "and shall search for and take persons, papers, or property concealed, and is empowered to break any and every description of fastenings or enclosures, and to take any steps necessary to enable him to execute an order or judgment.
2	33	Jan. 21, 1853	Granting unto Charles Hopkins and others the right to build a bridge across the river Jordan.
2	34	Jan. 21, 1853	Authorizing the erection of a ferry or ferries on Ham's Fork river.
2	37	Jan. 21, 1853	Concerning a ferry or ferries across Bear river, and a bridge across the Malad.
			Sec. 6. leave out and number accordingly.
2	38	Jan. 21, 1853	Concerning certain animals running at large.
2	40	Jan. 21, 1853	To incorporate Great Salt Lake City Water Works Association.
2	41	Jan. 21, 1853	To incorporate the city of Payson.
2	48	Jan. 21, 1853	To incorporate the city of Palmyra.
2	55	Jan. 21, 1853	To incorporate Tooele city, Tooele county.
			Sec. 15 leave out.
2	145	June 1, 1853	In relation to the militia.
2	146	June 4, 1853	In relation to the assessment, collection and expenditure of a tax for road and other purposes within incorporated cities.
2	148	June 4, 1853	To incorporate Lake city, Utah county.
			Sec. 47 leave out.
2	157	June 4, 1853	Granting Abiah Wardsworth, Ira N. Spaulding, and Willard G. Mc. Mullen, the

Book.	Page.	Approved.	
3	6	Jan. 7, 1854	right of erecting a toll bridge across the Weber river, near the mill of Abiah Wardsworth & C.). Prescribing the manner of assessing and collecting Territorial and county taxes. Sec. 2 after the word "purposes" in the 4th line, insert the words "buildings for worship, and the grounds, materials and appurtenances belonging thereto;" Sec. 5 line 6 insert "said" before "goods." Line 7 strike out the words "brought in by transient traders."
3	12	Jan. 13, 1854	Relating to the United States Courts for the Territory of Utah.
3	14	Jan. 13, 1854	Defining the boundaries, and for the organization of Green River and Summit counties, and defining the eastern boundary of Davis county.
3	16	Jan. 14, 1854	Containing provisions applicable to the laws of the Territory of Utah.
3	18	Jan. 16, 1854	To amend "An act in relation to marks and brands, approved March 1, 1852."
3	19	Jan. 17, 1854	Defining the boundaries of Carson county, and providing for the organization thereof.
3	19	Jan. 17, 1851	Relating to sheriffs and constables.
3	20	Jan. 18, 1854	Regulating herdsmen, herding, herd grounds, and the driving of animals.
3	22	Jan. 19, 1854	Prescribing the official terms of certain officers elected by the Legislative Assembly, and providing for vacancies. Sec. 1 after "surveyor general" in the 4th line add "for the Territory."
3	22	Jan. 19, 1854	Specifying the time when Acts and Resolutions begin to be in force, and making them equally valid.
3	23	Jan. 19, 1854	Preamble and Act in relation to the construction of a canal from Utah Lake to Great Salt Lake.
3	25	Jan. 20, 1854	Providing for the management of certain property.
3	28	Jan. 20, 1854	Concerning ferries and bridges on Weber and Bear rivers, east of the main range of the Wahsatch mountains.
RESOLUTIONS.			
1	206	Oct. 4, 1851.	Joint Resolutions, locating the seat of government for the Territory of Utah in Pauvan valley.
1	207	Oct. 4, 1851	In relation to the Utah Library.
1	208	Mar. 6, 1852	In relation to election of twelve select men, or referees.

Book.	Page.	Approved.	
1	212	Mar. 6, 1852	Relative to communications on civil and military matters.
1	214	Mar. 3, 1852	In relation to weights and measures.
2	65	Dec. 23, 1852	For the encouragement of the manufacture of powder.
2	66	Jan. 21, 1853	In relation to the Washington monument.
2	66	Jan. 21, 1853	In relation to the Territorial library.
2	67	Jan. 21, 1853	To convene the annual Legislative Assembly reprint to read "Fillmore City" instead of "Great Salt Lake City."
2	147	June 4, 1853	In relation to exemption of property from execution.
3	15	Jan. 14, 1854	Offering a reward for the discovery of a coal bed near Great Salt Lake City.
3	17	Jan. 14, 1854	Exempting the members of the Legislative Assembly of the Territory of Utah, from arrest and summons, during the sitting of the Legislature, and while going to and from the same.
MEMORIALS TO CONGRESS.			
1	223	Mar. 3, 1852	For an appropriation to defray the expenses of the Provisional Government of Deseret.
2	226	Mar. 3, 1852	For the establishment of a weekly mail route from the Missouri river to Great Salt Lake City.
1	229	Mar. 3, 1852	For an appropriation for support of schools.
1	232	Mar. 6, 1852	For the donation of public lands to settlers, and for educational purposes.
1	232	Mar. 6, 1852	On the subject of the survey of the southern boundary of the Territory of Utah.
2	72	Jan. 21, 1853	For a geodetic survey in Utah Territory.
2	73	Jan. 21, 1853	To increase the time of Legislature.
2	75	Jan. 21, 1853	For an electric telegraph from the Mississippi river to California.
2	75	Jan. 21, 1852	For the construction of a Military road from the mouth of the Platte or Nebraska river, to Sacramento, California.
2	77	Jan. 21, 1853	To defray the expenses of the Indian wars.
2	78	Jan. 21, 1853	To make Territorial officers elective.
2	79	Jan. 21, 1854	To establish a weekly mail from Great Salt Lake City to San Diego.
3	30	Jan. 14, 1854	In relation to the Pacific Railway.
3	32	Jan. 14, 1854	For calling a convention to form a State Government.
3	32	Jan. 17, 1854	For five thousand dollars for the University.
3	33	Jan. 17, 1854	To defray the expenses of the Indian wars, and the destruction and loss of property.

E. M. Greene
appointed a
committee of
compilation.

SEC. 3. The Hon. Evan M. Greene is hereby appointed and authorized to attend to the publishing of

the said list, together with the laws, resolutions and memorials of the present session, and may call to his assistance such clerks as shall be necessary to aid him therein.

May employ clerks.

SEC. 4. There shall be published five thousand copies thereof, with full and complete marginal notes, index and contents, including the Declaration of Independence and Articles of Confederation, the Constitution of the United States and amendments thereto, the Constitution of the Provisional State of Deseret, the Organic Act, with the list of memorials attached, and their indexes.

5,000 copies to be published.

Other matter to be published.

SEC. 5. There shall also be published three thousand copies of the Journals of the present session of the Legislative Assembly, including the Governor's message and proclamations, in book form.

3,000 copies journals published.

SEC. 6. The Secretary of the Territory is hereby required to furnish the Governor of each state and territory with one copy each of the laws and journals, and the Governor of Utah Territory with twenty-five copies, of each, the laws and journals; two copies of the laws and one of the journals to each of the members of the present Legislative Assembly, and one copy of each, to each officer of the two houses; two copies of each, to each of the judges of the supreme and probate courts in the Territory; and one copy of each, to each of the clerks of the supreme, district and probate courts; one copy of each to the United States marshal and each of his deputies, and the United States district attorney for the Territory of Utah; and one copy of each, to each civil officer in the Territory of Utah, including the mayor, aldermen, recorder and marshal of each incorporated city; one copy of the laws to the commandant of the Nauvoo Legion, the commandant of each military district, and the commandants of each brigade, regiment and battalion, and their staff officers respectively, and captains of companies; to the Utah library and the library of the University of the State of Deseret each five copies of the laws and journals, and two copies each, to each other public library in the Territory.

Secretary to distribute laws and journals.

Approved Jan. 19, 1855.

CHAPTER XCVI.

Territorial Appropriation Bill.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there be paid out of any money in the territorial treasury not otherwise appropriated, the following amount, viz:

To Timothy B. Foote for labor done in grading and making a road on the south bank and hill side of the Sevier river, on the road leading from Great Salt Lake City, Utah Territory, to San Bernardino, California, ninety-eight dollars (\$98).

Approved January 19, 1855.

To T. B. Foote,
\$98-00.

CHAPTER XCVII.

General Appropriation Bill.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there be appropriated out of the sum appropriated by Congress to pay the expenses of the Legislative Assembly of the Territory of Utah, the following amounts:

Mileage and per diem of members, \$5,363.50.	For mileage and per diem of Legislative members, five thousand three hundred and sixty-three dollars and fifty cents	\$5,363 50
Incidental and printing, \$15,000-00.	Incidental expenses and printing of Legislative Assembly, fifteen thousand dollars	15,000 00
Per diem of officers, \$1,680-00.	Per diem of officers of Legislative Assembly, one thousand six hundred and eighty dollars	1,680 00
Mileage of guards, \$572-40.	To Geo. A. Smith, Richard Harrison, and William H. Dame, members of Legislative Assembly for the year 1854-5, for mileage of guards from Iron county, through an Indian country, distance of two hundred and eighty miles and returning, five hundred and seventy-two dollars and forty cents	572 40

Also for mileage of nine guards from Utah county to guard said members to Iron county and returning, five hundred and seventy-two dollars and forty cents -	572 40	Mileage of guards, \$572.40.
To Isaac Morley and George Peacock for guards furnished to guard members of the Legislative Assembly from Manti, San Pete county, to Springville, in Utah county, a distance of eighty miles through an Indian country, forty-eight dollars -	48 00	Mileage of guards, \$48.00.
To the librarian for his services during the current year, four hundred dollars -	400 00	Librarian, \$400.00.
For incidental expenses for library, one hundred and fifty dollars -	150 00	Library expense \$150.00.
To Evan M. Greene, forty days extra services for examining proofs and revise in the new compilation of laws, at three dollars per day, one hundred and twenty dollars -	120 00	E. M. Greene for extra service, \$120.00.

Approved January 19, 1855.

CHAPTER XCVIII.

AN ACT in relation to Taxes and the collection thereof.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:—That the Territorial Tax shall be one half per cent: and the Assessors and Collectors, in their respective counties, shall establish an office at the County seat; and shall give public notice of the time and place that they will be in attendance to receive taxes. Territorial tax amount.
Collector's office at County seat.

SEC. 2. It shall be the duty of every person owing taxes to pay the same at the office of the Assessor and Collector, by the first day of September in accordance with said notice, or sooner, if required by the collector; and for a failure to do so, shall be liable to pay ten per cent on the amount of tax due, or a higher per cent at the discretion of the County Court, to defray the additional expenses of collecting. People to pay at the Collector's office.

Approved January 19, 1855.

INCORPORATIONS.

CHAPTER I.

AN ACT to incorporate Cedar City, in Iron county, Utah Territory.

City bounda-
ries.

Name & style.

Perpetual suc-
cession.

Corporate pow-
ers.

City council.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Iron county, embraced in the following boundaries, to wit: beginning at the mouth of Coal Creek kanyon, thence north three miles, thence west six miles, thence south six miles, thence east six miles, thence north three miles to place of beginning; shall be known and designated under the name and style of Cedar City, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve, protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and

shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Majority form a quorum.

SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities.

Give bonds.

SEC. 5. On the second Monday of April next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Times of elections.

First election.

Judges and clerks of elections appointed by city council.

Duty of clerks.

SEC. 6. All free white male inhabitants who are of the age of twenty one years, who are entitled to vote for territorial officers, and who shall have been actual resi-

Qualification of voters.

dents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Power of city council.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States and the laws of this Territory.

City council have power to appoint officers.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisors of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Shall require officers to give bonds.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Council have power to pass ordinances.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Power to fill all vacancies.

To divide the city into wards.

SEC. 11. To establish, support, and regulate com-

mon schools; to borrow money on the credit of the city: Further powers
 Provided, that no sum or sums of money be borrowed Proviso.
 on a greater interest than six per cent. per annum; nor
 shall the interest on the aggregate of all the sums bor-
 rowed, and outstanding, ever exceed one half of the
 city revenue, arising from taxes assessed on real estate,
 within this corporation.

SEC. 12. To make regulations to prevent the intro- Prevent disease
 duction of contagious diseases into the city; to make
 quarantine laws for that purpose, and enforce the same.

SEC. 13. To appropriate and provide for the payment Debts of city-
 of the expenses and debts of the city.

SEC. 14. To establish hospitals, and make regula- Hospitals.
 tions for the government of the same; to make regula-
 tions to secure the general health of the inhabitants; to
 declare what shall be nuisances, and to prevent and re-
 move the same.

SEC. 15. To provide the city with water; to dig wells, Water the city.
 lay pump logs and pipes, and erect pumps in the streets,
 for the extinguishment of fires, and convenience of the
 inhabitants.

SEC. 16. To open, alter, widen, extend, establish, Repair the
 grade, pave, or otherwise improve and keep in repair streets.
 streets, avenues, lanes and alleys; and to establish,
 erect, and keep in repair aqueducts and bridges.

SEC. 17. To provide for the lighting of the streets, Lighting the
 and erecting lamp posts, and establish, support and streets.
 regulate night watches; to erect market houses, estab- Night watches.
 lish markets and market places, and provide for the
 government and regulations thereof.

SEC. 18. To provide for erecting all needful buildings Public grounds.
 for the use of the city, and for enclosing, improving,
 and regulating all public grounds belonging to the city.

SEC. 19. To license, tax, and regulate auctioneers, Taxing power.
 merchants, retailers, grocers and taverns, ordinaries,
 hawkers, pedlars, brokers, pawn-brokers, and money
 changers.

SEC. 20. To license, tax, and regulate hacking, car-
 riages, wagons, carts, and drays; and fix the rates to be
 charged for the carriage of persons, and for wagonage,
 cartage and drayings of property, as also to license and
 regulate porters, and fix the rates of portorage.

SEC. 21. To license, tax, and regulate theatricals,
 and other exhibitions, shows, and amusements.

SEC. 22. To tax, restrain, prohibit, and suppress

tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weighing of hay, lime, stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered, under this or any city ordinance.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and of every other description of gaming or gambling.

SEC. 34. The city council shall have exclusive power within the city by ordinance to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

Other powers.

City police.

Enforces the collection of fines.

SEC. 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Publishing city ordinances.

SEC. 36. All ordinances of the city may be proven by seal of the corporation, and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof. Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the Territory. They shall, as justices of the peace within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city by the Governor. Mayor and aldermen shall have power of justices of the peace.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court to the probate court of Iron county, in the same manner as appeals are taken from justices of the peace, provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council. Jurisdiction of the mayor. Appeals, how taken.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council at such times and places as may be prescribed by city ordinance. Special meetings of which may at any time be called by the mayor or any two aldermen. City council and municipal court, meeting of.

SEC. 40. All process issued by the mayor, alder-

Duty of marshal.

men or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder.

SEC. 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Private property for public purposes.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alleys, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Duty of jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor, how to be tried.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Iron county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Power of council in criminal cases.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offender or vagrants shall fail, or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 46. The inhabitants of Cedar City shall, from and after the next ensuing two years, from the first Monday in March next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall from and after said term of two years, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

City exempt
from road taxes

Approved Feb. 10, 1852.

CHAPTER II.

AN ACT to incorporate the City of Lehi.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of the country lying on Dry Creek, in Utah county, bounded as follows, to wit: commencing at the Utah Lake, direct south of the south-east corner of the plat of Evansville, running direct to said corner; from thence north three miles; from thence west to the river Jordan; from thence up the river Jordan to the outlet of the lake; from thence up the lake to the place of beginning, is hereby incorporated into a city, which shall be called "the city of Lehi," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

City boundaries.

Name & style.

Perpetual succession.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Corporate powers.

- City council.** **Term of office.** **Majority form a quorum.** SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
- Give bonds.** SEC. 4. The mayor, aldermen, and councilors before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.
- Times of elections.** **First election.** SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this act, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.
- Judges and clerks of elections appointed by city council.**
- Duty of clerks.**

SEC. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Power of city council.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisors of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

City council have power to appoint officers.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Shall require officers to give bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the

Council have power to pass ordinances.

Power to fill all vacancies.

To divide the city into wards.

several wards, as may be just, and most conducive to the interest of the city.

Further powers SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: **Proviso.** Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.

Prevent disease SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Debts of city. SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Hospitals. SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Water the city. SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Repair the streets. SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Lighting the streets. SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses; establish markets and market places, and to provide for the government and regulations thereof.

Public grounds. SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers.

Tax hacking. SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagon-

age, cartage, and drayage of property, as also to license and regulate porters, and fix the rates of portage.

SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows and amusements. Theatres.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Tippling houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Extinguish fires.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all other cases not provided for by law. Weights and measures.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work. Measuring lumber.

SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, and measuring of charcoal, firewood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and other spirituous or fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city. As to bread.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered, under this or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling. Gaming.

SEC. 34. The city council shall have exclusive power within the city by ordinance, to license, regulate, or Ferries and bridges.

Enforce penalties.

restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this act: Provided, such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

Ordinances to be published.

SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances how proven.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Mayor and aldermen, powers.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as other justices of the peace, in and for said city, by the Governor.

Commissioned by the Gov.

SEC. 38. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Municipal court
and council,
meeting of.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process directed
to marshal.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Duty of recorder.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private
property is taken.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Duty of Jurors.

SEC. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power

Mayor, how
tried.

on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Punishment of
vagrants.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Inhabitants of
city exempt
from working
on roads out of
the city.

SEC. 46. The inhabitants of Lehi city shall, from and after the next ensuing two years, from the first Monday of April next be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Approved Feb. 5, 1852.

CHAPTER III.

AN ACT to incorporate Fillmore city, Millard county.

Boundaries of
corporation.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Millard county embraced in the following boundaries, to wit: beginning at a point due east of the south east corner of the public square now surveyed, three miles; thence south three miles; thence west six miles; thence north six miles; thence east six miles; and thence south three miles to the place of beginning, shall be known and designated under the name and style of Fillmore City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Body corporate.

Seal.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve, protect such property, and to do all other things in relation thereto, as natural persons.

Corporate powers.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

City Council.

Term of office.

Majority form a quorum.

SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Give bonds.

SEC. 5. On the second Monday of April next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the

Times of elections.

First election.

Judges and clerks of elections appointed by city council.

close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Duty of clerk. SEC. 6. All free white male inhabitants who are of the age of twenty one years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters. SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States and the laws of this Territory.

Power of city council. SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisors of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

City council have power to appoint officers. SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Shall require officers to give bonds. SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city,

Council have power to pass ordinances.

for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Power to fill all vacancies.

To divide the city into wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.

Further powers

Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Prevent disease

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts of city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Water the city.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Repair the streets

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, estab-

Lighting the streets.
Night watches.

lish markets and market places, and provide for the government and regulations thereof.

Public grounds. SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawn-brokers, and money changers.

Hacking. SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayings of property, as also to license and regulate porters, and fix the rates of portorage.

Theatres. SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Tippling houses. SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Extinguish fires. SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

Weights and measures. SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.

Measuring of lumber. SEC. 27. To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

Weighing hay. SEC. 28. To provide for the inspection and weighing of hay, lime, stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city.

Inspection of tobacco. SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors.

As to bread SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city.

CENSUS. SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered, under this or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling. Other powers.

SEC. 34. The city council shall have exclusive power within the city by ordinance to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory. City police.

Enforce the collection of fines.

SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper published in said city, or certified copies thereof be posted up in three of the most public places in the city. Ordinances to be published.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof. Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor. Mayor and aldermen, powers.

Commissioned by the Gov.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinance into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the or- Mayor and aldermen, jurisdiction of.

Appeals, how taken.

dinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Millard county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Municipal court
and council,
meeting of.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Process direct-
ed to marshal.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of record-
er.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

When private
property is tak-
en.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Duty of jurors.

SEC. 43. All jurors empanelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first

be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Millard county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Mayor, how to be tried.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offenders or vagrants shall fail, or refuse to pay the fines and forfeitures which may be recovered against them.

Power of council in criminal cases.

SEC. 46. The inhabitants of Fillmore City shall, from and after the next ensuing two years, from the first Monday in March next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall from and after said term of two years, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

City exempt from road taxes

Approved Feb. 13, 1852.

CHAPTER IV.

AN ACT incorporating Nephi City.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of country situate within the following boundaries, to wit: commencing at the south east corner of the plot of Nephi city, in the county of Juab, in said Territory, and running thence west two miles; thence north four miles; thence east to the base of the mountain; thence southerly along the mouth of the canyon

City boundaries.

Name & style. and base of the mountain to a point opposite to the place of beginning, shall be known and designated as Nephi city; and is hereby incorporated under the name and style aforesaid; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Perpetual succession.

Corporate powers. SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

City council. SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Majority form a quorum.

Oath of office. SEC. 4. The mayor, aldermen, and councilors before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Times of elections. SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this act, three judges shall be chosen, viva voce, by the

electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

First election.

Judges and clerks of elections appointed by city council.

Duty of clerks.

SEC. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Power of city council.

SEC. 8. The city council shall have power to appoint all such officers as may be necessary to carry into effect their legal enactments, define their duties, and remove them at pleasure.

City council have power to appoint officers.

SEC. 9. The city council shall have power to require bonds as they shall deem necessary, of all officers appointed by them, and require an oath or affirmation for the faithful discharge of the duties assigned them.

Shall require officers to give bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such

Council have power to pass ordinances.

Power to fill all
vacancies.

To divide the
city into wards.

Ordinances to
be published.

Powers of
mayor and alder-
men.

Mayor and al-
dermen, juris-
diction of.

Appeals, how
taken.

Municipal court
and council,
meeting of.

ordinances, and grant such licenses not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the welfare of the inhabitants of said city, and for the protection of their property. They shall have power to fill all vacancies that may occur by death, or otherwise; to fix and establish all the fees of the officers of said corporation, not herein established; regulate the fees of witnesses and jurors, and all other services; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards.

SEC. 11. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in eight of the most public places in the city.

SEC. 12. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace, perform the same duties, be governed by the same laws, and be commissioned in the same manner as other justices of the peace within this Territory.

SEC. 13. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court in the county of Juab, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

SEC. 14. The municipal court shall sit at such times and places as shall be prescribed by the city council, who shall sit when they think proper, and make their

own adjournments. Special meetings of which may at any time be called by the mayor, or any two aldermen.

SEC. 15. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court. Duty of recorder.

Approved March 6, 1852.

CHAPTER V.

AN ACT to incorporate the city of Springville.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country embraced in the following boundaries, to wit: beginning at a point one and three fourth miles north of the centre of the public square in Springville precinct, thence easterly and southerly along the base of the mountain to the south-east corner of the present Springville survey; thence west to Utah Lake, thence northerly along the shore of the lake to a point due west of the place of beginning; thence east to the place of beginning; shall be known and designated under the name and style of Springville, and the inhabitants thereof are hereby constituted a body corporate and politic; by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Boundaries of corporation.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying Body corporate.

Seal.

Corporate powers.

grounds, or other public purposes, for the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and to do all other things in relation thereto, as natural persons.

City Council. SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Majority form a quorum.

Oath of office. SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Times of elections SEC. 5. On the second Monday of April next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take

First election.

Judges and clerks of elections appointed by city council.

Duty of clerks.

the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

SEC. 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States and the laws of this Territory.

Power of city council.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

City council have power to appoint officers.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Shall require officers to give bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceed-

Council have power to pass ordinances.

Power to fill all vacancies.

To divide the city into wards. ing one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Further powers
Proviso. SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.

Prevent disease SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Debts of city. SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Hospitals. SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Water the city. SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Repair the streets SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Lighting the streets.
Night watches. SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Public grounds. SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries,

hawkers, pedlars, brokers, pawn-brokers, and money changers.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayings of property, as also to license and regulate porters, and fix the rates of portorage. Hacking.

SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements. Theatres.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Tippling houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Extinguish fires.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law. Weights and measures.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work. Measuring of lumber.

SEC. 28. To provide for the inspection and weighing of hay, lime, stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city. As to bread

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered, under this or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling. Other powers.

City police. SEC. 34. The city council shall have exclusive power within the city by ordinance to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

Enforce the collection of fines. SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper published in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances to be published. SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

Ordinances, how proven. SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor.

Mayor and aldermen, powers. SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinance of the corporation, and shall issue such process as may be necessary to carry said ordinance into execution and effect.

Commissioned by the Gov. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Municipal court
and council,
meeting of.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process directed
to marshal.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Duty of recorder.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private
property is taken.

SEC. 43. All jurors empanelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Duty of jurors.

SEC. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power

Mayor, how
tried.

on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Punishment of
vagrants.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Inhabitants of
city exempt
from working
on roads out of
the city.

SEC. 46. The inhabitants of Springville shall, from and after the next ensuing two years, from the first Monday of April next be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Approved Feb. 13, 1852.

CHAPTER VI.

AN ACT to incorporate the City of Payson.

City boundar-
ies.

Name & style.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country embraced in the following boundaries, to wit: commencing at a point on the shore of the Utah Lake due west from the center of the public square of Payson situated on Peteetneet Creek in Utah county, thence south one mile, thence east to the mountain, thence north two miles, thence west to the Lake aforesaid, thence south to the place of beginning; shall be known and designated as Payson; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have, and use a common seal, which they may change and alter at pleasure.

Corporate pow-
ers.

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued; to

plead and be impleaded; to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal in said city, and to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

City council.

Term of office.

Quorum.

SEC. 4. The mayor, aldermen, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will, well and truly perform the duties of their offices, to the best of their skill and ability.

Oath.

SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks, and the judges and clerks before entering upon their duties shall take and subscribe an oath or affirmation, such as is required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held the polls shall be opened at nine o'clock a.m. and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the

Times of elections.

First election.

Judges and clerks of elections.

Duty of clerks. house, at which said election shall be held and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

Qualification of voters. SEC. 6. All free white male inhabitants, who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

City council to levy taxes. SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or the laws of this Territory.

Council to appoint officers. SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisors of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Bonds. SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Ordinances. SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness

thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Vacancies.

Division into wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.

Further powers

Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Prevent disease

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts of city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Water the city.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Repair the streets.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses; establish markets and market places, and to provide for the government and regulations thereof.

Lighting the streets.
Night watches.

Public grounds. SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers.

Tax hacking. SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property, as also to license and regulate porters, and fix the rates of portage.

Theatres. SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows and amusements.

Tippling houses. SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Extinguish fires. SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

Weights and measures. SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all other cases not provided for by law.

Measuring lumber. SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

Weighing hay. SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, and measuring of charcoal, firewood and other fuel, to be sold or used within the city.

Inspection of tobacco. SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and other spirituous or fermented liquors.

As to bread. SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city.

Census. SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered, under this or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling. Gaming.

SEC. 34. The city council shall have exclusive power within the city by ordinance, to license, regulate, or restrain the keeping of ferries, and toll bridges; to regulate the police of the city; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this act: Provided, such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory. Ferries and bridges.

Enforce penalties.

SEC. 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Publishing city ordinances.

SEC. 36. All ordinances of the city may be proven by seal of the corporation, and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof. Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the Territory. They shall, as justices of the peace within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city by the Governor. Mayor and aldermen shall have power of justices of the peace.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and Jurisdiction of mayor and aldermen.

Appeals, how
taken.

effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace, provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

City council
and municipal
court, meeting
of.

SEC. 39. The municipal court may sit on the first Monday of every month; and the city council at such times and places as may be prescribed by city ordinance. Special meetings of which may at any time be called by the mayor or any two aldermen.

Duty of mar-
shal.

SEC. 40. All process issued by the mayor, aldermen or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of record-
er.

SEC. 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Private proper-
ty for public
purposes.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alleys, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Duty of jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first

be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Mayor, how to be tried, inquest

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offenders or vagrants shall fail, or refuse to pay the fines and forfeitures which may be awarded against them.

Power of council in criminal cases.

SEC. 46. The inhabitants of Payson shall, from and after the next ensuing two years, from the first Monday in April next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall from and after said term of two years, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

City exempt from road taxes

Approved Jan. 21, 1852.

CHAPTER VII.

AN ACT to incorporate Tooele City, in Tooele County.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of country situate within the following boundaries, to wit: beginning at a point half a mile south east of the mouth of Big Creek, known also as Settlement Canyon; thence running due west three miles; thence north three miles; thence east three miles; thence south three miles, to the place of beginning, shall be known

City boundaries.

Name & style. and designated by the name of Tooele city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Perpetual succession.

Corporate powers. SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

City council. SEC. 3. There shall be a city council, to consist of a mayor, two aldermen, and five councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Oath of office. SEC. 4. The mayor, aldermen, and councilors before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Times of elections. SEC. 5. On the first Monday of August, next, and every two years thereafter, on said day, an election shall be held for the electing of a mayor, two aldermen, and five councilors; and at the first election under this act, two judges shall be chosen, viva voce, by the electors present. The said judges shall choose one clerk; and the judges and clerks, before entering upon

First election.

their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

Judges and clerks of elections appointed by city council.

Duty of clerks.

SEC. 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Power of city council.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Council to appoint officers.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as

Bonds.

aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Ordinances.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Division into wards.

Ordinances to be published.

SEC. 11. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Proof of ordinances.

SEC. 12. All ordinances of the city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

Mayor and aldermen conservators of the peace.

SEC. 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as other justices of the peace, in and for said city, by the Governor.

Commissioned by Gov.

SEC. 14. The mayor and aldermen shall have ex-

clusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance; which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Tooele county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

Writs of habeas corpus.

Approved Jan. 13, 1853.

CHAPTER VIII.

AN ACT to incorporate the city of Palmyra.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country embraced in the following boundaries, to wit: commencing at a point one and a half miles north of the center of the public square of the present town plat of Palmyra, situated on Spanish Fork, in the county of Utah; thence east one and a half miles; thence south three miles; thence west three miles; thence north three miles; thence east one and a half miles to the place of beginning, shall be known and designated as Palmyra, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Boundaries of corporation.

Body corporate.

Seal.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be

Corporate powers.

sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and to do all other things in relation thereto, as natural persons.

CITY COUNCIL. SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Term of office.

Majority form a quorum.

Oath of office. SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Times of elections. SEC. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the

First election.

Judges and clerks of elections appointed by city council.

house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Duty of clerks.

SEC. 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Power of city council.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

City council have power to appoint officers.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Shall require officers to give bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness

Council have power to pass ordinances.

- thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.
- Power to fill all vacancies.**
- To divide the city into wards.**
- Further powers**
- Proviso.**
- Prevent disease**
- Debts of city.**
- Hospitals.**
- Water the city.**
- Repair the streets**
- Lighting the streets.**
- Night watches.**
- SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.
- SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.
- SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.
- SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.
- SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.
- SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.
- SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city. Public grounds.

SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawn-brokers, and money changers. Taxing power.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayings of property, as also to license and regulate porters, and fix the rates of portorage. Hacking.

SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements. Theatres.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Tippling houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Extinguish fires.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law. Weights and measures.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work. Measuring of lumber.

SEC. 28. To provide for the inspection and weighing of hay, lime, stone coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city. As to bread.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered, under this or any city ordinance. Regulate fees.

Other powers. SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.

City police. SEC. 34. The city council shall have exclusive power within the city by ordinance to license, regulate, or restrain keeping of ferries and toll bridges; to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

Enforce the collection of fines. SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper published in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances to be published. SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

Ordinances, how proven. SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor.

Mayor and aldermen, powers. SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinance of the corporation, and shall issue such process as may be necessary to carry said ordinance into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice,

Commissioned by the Gov.

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Municipal court
and council,
meeting of.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Process directed
to marshal.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Duty of recorder.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private
property is taken.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Duty of jurors.

SEC. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully

Mayor, how
tried.

and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Punishment of
vagrants.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Inhabitants of
city exempt
from working
on roads out of
the city.

SEC. 46. The inhabitants of Palmyra shall, from and after the next ensuing two years, from the first Monday of April next be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Approved Jan. 21, 1853.

CHAPTER IX.

AN ACT to incorporate Lake city, Utah county.

City boundar-
ies.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Utah county embraced in the following boundaries, to wit: beginning at a point one mile east of the south east corner of the public square of the present town plot on the American Fork; thence north one mile; thence west two miles; thence south to Utah Lake; thence easterly and southerly along the shore of said Lake, to a point directly south of the place of beginning; thence north to the place of beginning, shall be known

and designated as Lake city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have, and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal in said city, and to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The mayor, aldermen, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will, well and truly perform the duties of their offices, to the best of their skill and ability.

SEC. 5. On the first Monday in July next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks, and the judges and clerks before entering upon their duties shall take and subscribe an oath or affirmation, such as is required by law to be taken by

Name & style

Corporate powers

City council.

Term of office.

Quorum.

Oath.

Times of elections.

First election.

Judges and clerks of elections.

judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held the polls shall be opened at nine o'clock a.m. and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

Duty of clerks.

Qualification of voters.

SEC. 6. All free white male inhabitants, who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

City council to levy taxes.

SEC. 7. The city council shall have authority annually, to assess, collect, and expend the necessary tax for roads, streets, schools and other public purposes, and regulate and control the same within the city, and may enforce the payment of said tax by law; and the inhabitants of the city shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of the city: Provided, that nothing herein shall be so construed as to effect, or infringe upon any tax assessed, or authorized by any enactment of the Governor and Legislative Assembly.

Council to appoint officers.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

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SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, such as may be deem-

ed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Ordinances.

Vacancies.

Division into wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within this corporation.

Further powers

Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Prevent disease

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts of city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the

Water the city.

streets, for the extinguishment of fires, and convenience of the inhabitants.

Repair the streets.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Lighting the streets.
Night watches.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses; establish markets and market places, and to provide for the government and regulations thereof.

SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city.

Taxing power.

SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers.

Tax hacking.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property, as also to license and regulate porters, and fix the rates of portage.

Theatres.

SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows and amusements.

Tippling houses.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Extinguish fires.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences.

Weights and measures.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all other cases not provided for by law.

Measuring lumber.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, and measuring of charcoal, firewood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and other spirituous or fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weight, quality, and price of bread, sold and used in the city. As to bread.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered, under this or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling. Gaming.

SEC. 34. The city council shall have exclusive power within the city by ordinance, to regulate the police of the city; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory. Enforce penalties.

SEC. 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city. Publishing city ordinances.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation, and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof. Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace there- Mayor and aldermen shall have power of justices of the peace.

in, both in civil and criminal cases, arising under the laws of the Territory. They shall, as justices of the peace within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city by the Governor.

**Jurisdiction of
mayor and al-
dermen.**

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of the city, to the municipal court under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace, provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

**Appeals, how
taken.**

**City council
and municipal
court, meeting
of.**

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council at such times and places as may be prescribed by city ordinance. Special meetings of which may at any time be called by the mayor or any two aldermen.

**Duty of mar-
shal.**

SEC. 40. All process issued by the mayor, aldermen or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

**Duty of record-
er.**

SEC. 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform all other duties as may be required of him

by the ordinances of the city council, and shall serve as clerk of the municipal court.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Private property for public purposes.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Duty of jurors.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Mayor, how to be tried.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offenders or vagrants shall fail, or refuse to pay the fines and forfeitures which may be awarded against them.

Power of council in criminal cases.

SEC. 46. The inhabitants of Lake city shall, from and after the first Monday in July next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall from and after the said date, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

City exempt from road taxes

Approved June 4, 1853.

CHAPTER X.

AN ACT to incorporate Pleasant Grove city.

Boundaries of corporation. SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Utah county embraced in the following boundaries, to wit: beginning at the south east corner of Lake city incorporation, running in a south easterly direction, along the lake shore to the north west corner of the corporation of Provo city; thence east to the base of the mountain; thence along the base of the mountain to the south bank of the American creek, near the mouth of the kanyon; thence down the south bank of said creek to a point directly north of the north east corner of Lake city corporation; thence south to the place of beginning, shall be known and designated as Pleasant Grove city, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Body corporate. SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and to do all other things in relation thereto, as natural persons.

Seal. SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attend-

City Council.

Term of office.

Majority form a quorum.

ance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities.

Oath of office.

SEC. 5. On the first Monday in May next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, one judge shall be chosen, viva voce, by the electors present. The said judges shall choose one clerk; and the judge and clerk, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the judge and clerk shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerk shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Times of elections.

First election.

Judge and clerk of election, appointed by city council.

Duty of clerk.

SEC. 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Qualification of voters.

SEC. 7. The city council shall have authority annually, to assess, collect, and expend the necessary tax for roads, streets, schools, and other public purposes, and regulate and control the same within the city, and may

Power of city council.

enforce the payment of said tax by law, and the inhabitants of the city shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of the city. Provided that nothing herein shall be so construed as to effect or infringe upon any tax assessed or authorized by any enactment of the Governor and Legislative Assembly.

City council
have power to
appoint officers.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Shall require
officers to give
bonds.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Council have
power to pass
ordinances.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Power to fill all
vacancies.

To divide the
city into wards.

Further powers
Provido.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed

on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within the city.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Prevent disease

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts of city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Water the city.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Repair the streets

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Lighting the streets.
Night watches.

SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city, to regulate and control the live trees and shrubbery, and the water courses, and water privileges in the city, and so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

Public grounds.

SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawn-brokers, and money changers.

Taxing power.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property, as also to license and regulate porters, and fix the rates of portorage.

Hacking.

- Theatres.** SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.
- Tippling houses.** SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.
- Extinguish fires.** SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.
- SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.
- SEC. 25. To regulate and order parapet walls and other partition fences, to wall in the city or any part thereof.
- Weights and measures.** SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.
- Measuring of lumber.** SEC. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.
- Weighing hay.** SEC. 28. To provide for the inspection and weighing of hay, lime, pit coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city.
- Inspection of tobacco.** SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors.
- As to bread** SEC. 30. To regulate the weights, quality, and price of bread, sold and used in the city.
- Census.** SEC. 31. To provide for taking the enumeration of the inhabitants of the city.
- Regulate fees.** SEC. 32. To fix the compensation of all city officers; and regulate the fees of jurors, witnesses and others, for services rendered, under this act or any city ordinance.
- Other powers.** SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.
- City police.** SEC. 34. The city council shall have exclusive power within the city by ordinance to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances
- Enforce the collection of fines.**

as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances to be published.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor.

Mayor and aldermen, powers.

Commissioned by the Gov.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinance of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such

Municipal court and council, meeting of.

times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Process directed to marshal.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and he shall perform such other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

When private property is taken.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Duty of jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor, how tried.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Punishment of vagrants.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public

works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

SEC. 46. The inhabitants of Pleasant Grove city shall, from and after the first Monday in May next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said date, be collected and expended by, and under the direction of the supervisor of streets, within the limits of the city.

Inhabitants of city exempt from working on roads out of the city.

Approved Jan. 19, 1855.

CHAPTER XI.

AN ACT to incorporate Spanish Fork city.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Utah county embraced in the following boundaries, to wit: beginning at the south east corner of Palmyra city; thence north along the east boundary of Palmyra to the south boundary of Springville city; thence east with said boundary to the base of the mountains; thence south along the base of said mountains to the mouth of Maple Canyon; thence west to a parallel line with said east boundary of Palmyra; thence north to the place of beginning, shall be known and designated as Spanish Fork city; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have, and use a common seal, which they may change and alter at pleasure.

City boundaries.

Name & style

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal in said city, and to purchase, receive, and hold

Corporate powers

real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

City council.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold

Term of office.

their offices for two years, and until their successors shall be elected and qualified. The city council shall

Quorum.

judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The mayor, aldermen, and councilors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will, well and truly perform all the duties of their offices, to the best of their skill and ability.

Oath.

Times of elections.

SEC. 5. On the first Monday in May next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen,

First election.

and nine councilors; and at the first election under this ordinance, one judge shall be choose. viva voce, by the electors present. The said judge shall choose one

Judges and clerks of elections.

clerk, and the judge and clerk before entering upon their duties shall take and subscribe an oath or affirmation, such as is required by law to be taken by

judges and clerks of other elections; and at all subsequent elections the judge and clerk shall be appointed by the city council. At the first

election so held the polls shall be opened at nine o'clock a.m. and closed at six o'clock p.m. At the

close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held and the

Duty of clerks.

clerk shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person

so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

SEC. 6. All free white male inhabitants, who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers. Qualification of voters.

SEC. 7. The city council shall have authority annually, to assess, collect, and expend the necessary tax for roads, streets, schools and other public purposes, and regulate and control the same within the city, and may enforce the payment of said tax by law; and the inhabitants of the city shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of the city: Provided, that nothing herein shall be so construed as to effect, or infringe upon any tax assessed, or authorized by any enactment of the Governor and Legislative Assembly. City council to levy taxes.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure. Council to appoint officers.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, such bonds as may be deemed expedient, with penalty and security, for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices. Bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of the city; for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. City council have power to appoint officers

Power to fill
vacancies.

11 They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

To divide the
city into wards.

Further powers.

Proviso.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent per annum, nor shall the interest on the aggregate of the sums borrowed and outstanding ever exceed one-half of the city revenue, arising from the taxes assessed on real estate within the city.

Prevent disease.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same.

Debts.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Hospitals

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Water.

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants.

Streets.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, and alleys; and to establish, erect and keep in repair aqueducts and bridges.

Lighting.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts; and to establish, support and regulate night watches; to erect market houses, establish markets, and market places, and provide for the government and regulation thereof.

Night watches.

Public grounds.

SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improving

and regulating all public grounds belonging to the city; to regulate and control the live trees and shrubbery, and the water courses and water privileges in the city, and so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof. Public grounds.

SEC. 19. To license, tax, and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers. Taxing power.

SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property, as also to license and regulate porters, and fix the rates of portage. Tax hacking.

SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows and amusements. Theatricals.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Tippling houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies. Extinguish fires.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences; to wall in the city or any part thereof.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures, to be used in the city, in all cases not provided for by law. Weights and measures.

SEC. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work. Measuring lumber.

SEC. 28. To provide for the inspection and weighing of hay, lime, and pit coal, and measuring of charcoal, firewood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whisky, brandy, and all other spirituous or fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weights, quality, and price of bread, sold and used in the city. As to bread.

Census. SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

Regulate fees. SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered, under this act or any city ordinance.

Gaming. SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin-alleys, and every other description of gaming or gambling.

Enforce penalties. SEC. 34. The city council shall have exclusive power within the city by ordinance, to regulate the police of the city; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

Publishing city ordinances. SEC. 35. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper, printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances, how proven. SEC. 36. All ordinances of the city may be proven by the seal of the corporation, and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

Mayor and aldermen shall have power of justices of the peace. SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the Territory. They shall, as justices of the peace within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace in and for said city by the Governor.

Jurisdiction of mayor and aldermen. SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinances of the

corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of the city, to the municipal court under such regulations as may be prescribed by ordinance; which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace, provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Appeals, how taken.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council at such times and places as may be prescribed by city ordinance. Special meetings of which may at any time be called by the mayor or any two aldermen.

City council and municipal court, meeting of.

SEC. 40. All process issued by the mayor, aldermen or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of marshal.

SEC. 41. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform such other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Duty of recorder.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Private property for public purposes.

Duty of jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor, how to be tried.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county, and on conviction, he shall be liable to fine and imprisonment, and the court shall have power on the recommend of the jury, to add to the judgment of the court that he be removed from office.

Power of council in criminal cases.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases where such offenders or vagrants shall fail, or refuse to pay the fines and forfeitures which may be awarded against them.

City exempt from road taxes

SEC. 46. The inhabitants of Spanish Fork city shall, from and after the first Monday in May next, be exempt from working on any road or roads beyond the limits of said city. But all taxes devoted to road purposes, shall from and after the said date, be collected and expended by and under the direction of the supervisor of streets, within the limits of the city.

Approved Jan. 19, 1855.

CHAPTER XII.

AN ACT to incorporate Alpine city, Utah county.

Boundaries of corporation.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of Utah county embraced in the following boundaries, to wit: beginning at a point one mile east of the

centre of Mountainville Fort, thence south one mile, thence west two miles, thence north two miles, thence east two miles, thence south one mile to the place of beginning, shall be known and designated as Alpine city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Body corporate.

Seal.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended, in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve, and protect such property, and to do all other things in relation thereto, as natural persons.

Corporate powers.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

City Council.

Term of office.

Majority form a quorum.

SEC. 4. The mayor, aldermen, and councilors before entering on the duties of their offices, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and the laws of this Territory, and that they will well and truly perform all the duties of their offices, to the best of their skill and abilities.

Oath of office.

SEC. 5. On the first Monday in May next, and every two years thereafter, on said day, an election shall be held for the electing of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, one judge shall be chosen, viva voce,

Times of elections.

First election.

Judge and clerk of elections appointed by city council.

by the electors present. The said judge shall choose one clerk; and the judge and clerk, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections, the judge and clerk shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerk shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made as may be provided for by ordinance of the city council.

Duty of clerk.

Qualification of voters.

SEC. 6. All free white male inhabitants who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers.

Power of city council.

SEC. 7. The city council shall have authority annually, to assess, collect, and expend the necessary tax for roads, streets, schools, and other public purposes, and regulate and control the same within the city, and may enforce the payment of said tax by law, and the inhabitants of the city shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of the city. Provided that nothing herein shall be so construed as to effect or infringe upon any tax assessed or authorized by any enactment of the Governor and Legislative Assembly.

City council have power to appoint officers.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Shall require officers to give bonds.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office, in, or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

Council have power to pass ordinances.

Power to fill all vacancies.

To divide the city into wards.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum; nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real estate, within the city.

Further powers
Proviso.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same.

Prevent disease

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city.

Debts of city.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Hospitals.

Water the city. SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Repair the streets SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; and to establish, erect, and keep in repair aqueducts and bridges.

Lighting the streets.
Night watches. SEC. 17. To provide for the lighting of the streets, and erecting lamp posts, and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Public grounds. SEC. 18. To provide for erecting all needful buildings for the use of the city, and for enclosing, improving, and regulating all public grounds belonging to the city, to regulate and control the live trees and shrubbery, and the water courses, and water privileges in the city, and so far as may be necessary, the water courses leading thereto in the immediate vicinity thereof.

Taxing power. SEC. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers and taverns, ordinaries, hawkers, pedlars, brokers, pawn-brokers, and money changers.

Hacking. SEC. 20. To license, tax, and regulate hacking, carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property, as also to license and regulate porters, and fix the rates of portage.

Theatres. SEC. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Tippling houses. SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.

Extinguish fires. SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch, resin, and other combustible materials.

SEC. 25. To regulate and order parapet walls and other partition fences, to wall in the city or any part thereof.

Weights and measures. SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not provided for by law.

SEC. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work. Measuring of lumber.

SEC. 28. To provide for the inspection and weighing of hay, lime, pit coal, and measuring of charcoal, fire wood and other fuel, to be sold or used within the city. Weighing hay.

SEC. 29. To provide for and regulate the inspection of tobacco, and of bee', pork, flour, meal; also beer, and whisky, brandy, and all other spirituous and fermented liquors. Inspection of tobacco.

SEC. 30. To regulate the weights, quality, and price of bread, sold and used in the city. As to bread.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city. Census.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered, under this act or any city ordinance. Regulate fees.

SEC. 33. The city council shall have exclusive power within the city by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling. Other powers.

SEC. 34. The city council shall have exclusive power within the city by ordinance to regulate the police of the city, to impose fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper to carry into effect and execution, the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory. City police.

SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city. Enforce the collection of fines.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof. Ordinances to be published.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and Ordinances, how proven.

Mayor and aldermen, powers.

shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned as justices of the peace, in and for said city, by the Governor.

Commissioned by the Gov.

Mayor and aldermen, jurisdiction of.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinance of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Utah county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Appeals, how taken.

Municipal court and council, meeting of.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Process directed to marshal.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and he shall perform such other duties as may be required of him

by the ordinances of the city council, and shall serve as clerk of the municipal court.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

When private property is taken.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Duty of jurors.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Utah county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Mayor, how tried.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Punishment of vagrants.

SEC. 46. The inhabitants of Alpine city shall, from and after the first Monday in May next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said date, be collected and expended by, and under the direction of the supervisor of streets, within the limits of the city.

Inhabitants of city exempt from working on roads out of the city.

Approved Jan. 19, 1855.

CHAPTER XIII.

AN ACT to incorporate E. T. city, Tooele county.

City boundar-
ions.

Name & style

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country in Tooele county, embraced in the following boundaries, to wit: beginning at the south west corner of the Adobie rock, thence east to the base of the mountain; thence north to the Great Salt Lake; thence westerly along the Lake shore to the west side of the stream of water known by the name of rock springs; thence south east up the west bank of said stream to the place of beginning; shall be known and designated as "E. T. city," and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have, and use a common seal, which they may change and alter at pleasure.

Corporate pow-
ers

SEC. 2. The inhabitants of said city by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; to defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal in said city, and to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

City council.

Term of office.

Quorum.

SEC. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The mayor, aldermen, and councilors, before entering upon the duties of their offices, shall take

and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will, well and truly perform all the duties of their offices, to the best of their skill and ability. Oath.

SEC. 5. On the first Monday in March next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this ordinance, one judge shall be chosen viva voce, by the electors present. The said judge shall choose one clerk, and the judge and clerk before entering upon their duties shall take and subscribe an oath or affirmation, such as is required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held the polls shall be opened at nine o'clock a.m. and closed at six o'clock p.m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held and the clerk shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council. Times of elections.

First election.

Judges and clerks of elections.

Duty of clerks.

SEC. 6. All free white male inhabitants, who are of the age of eighteen years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city, sixty days next preceding said election, shall be entitled to vote for city officers. Qualification of voters.

SEC. 7. The city council shall have authority annually, to assess, collect, and expend the necessary tax for roads, streets, schools and other public purposes, and regulate and control the same within the city, and may enforce the payment of said tax by law; and the inhabitants of the city shall be exempt from all other assessments for road and school purposes, except on such property as they may possess outside of the city: City council to levy taxes.

Provided, that nothing herein shall be so construed as to effect, or infringe upon any tax assessed, or authorized by any enactment of the Governor and Legislative Assembly.

Council to appoint officers.

SEC. 8. The city council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all city officers, and remove them from office at pleasure.

Bonds.

SEC. 9. The city council shall have power to require of all officers, appointed in pursuance of this act, such bonds as may be deemed expedient, with penalty and security, for the faithful performance of their respective duties, and also to require of all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices.

City council have power to appoint officers

Power to fill all vacancies.

SEC. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of the city; for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among the several wards, as may be just, and most conducive to the interest of the city.

To divide the city into wards.

Further powers.

Proviso.

SEC. 11. To establish, support, and regulate common schools; to borrow money on the credit of the city: Provided, that no sum or sums of money be borrowed on a greater interest than six per cent. per annum, nor shall the interest on the aggregate of the sums borrowed and outstanding ever exceed one-half of the city revenue, arising from the taxes assessed on real estate within the city.

SEC. 12. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same. Prevent disease.

SEC. 13. To appropriate and provide for the payment of the expenses and debts of the city. Debts.

SEC. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same. Hospitals

SEC. 15. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires, and the convenience of the inhabitants. Water.

SEC. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, and alleys; and to establish, erect and keep in repair aqueducts and bridges. Streets.

SEC. 17. To provide for the lighting of the streets, and erecting lamp posts; and to establish, support and regulate night watches; to erect market houses, establish markets, and market places, and provide for the government and regulation thereof. Lighting.
Night watches.

SEC. 18. To provide for erecting all needful buildings for the use of the city; and for enclosing, improving and regulating all public grounds belonging to the city; to regulate and control the live trees and shrubbery, and the water courses, and water privileges in the city, and so far as may be necessary the water courses leading thereto in the immediate vicinity thereof. Public grounds.

SEC. 19. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers. Taxing power

SEC. 20. To license, tax and regulate hacking carriages, wagons, carts, drays, and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portorage. Tax hacking.

SEC. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements. Theatres.

SEC. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy and other disorderly houses. Tippling houses.

SEC. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys Extinguish fires.

and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 24. To regulate the storage of gunpowder, tar, pitch and rosin, and other combustible materials.

SEC. 25. To regulate and order parapet walls, and other partition fences; to wall in the city or any part thereof.

Weights and
measures.

SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not provided for by law.

Measuring lum-
ber.

SEC. 27. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

Weighing hay.

SEC. 28. To provide for the inspection and weighing of hay, lime, and pit coal; and measuring of charcoal, firewood or other fuel to be sold or used within the city.

Inspection of
tobacco.

SEC. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky and brandy, and all other spirituous or fermented liquors.

As to bread.

SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.

Census.

SEC. 31. To provide for taking the enumeration of the inhabitants of the city.

Regulate fees.

SEC. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this act or any city ordinance.

Gaming.

SEC. 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.

Enforce penal-
ties.

SEC. 34. The city council shall have exclusive power within the city, by ordinance, to regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances as may be necessary and proper to carry into effect and execution the powers specified in this act: Provided, that such ordinances are not repugnant to the Constitution of the United States, or the laws of this Territory.

SEC. 35. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Ordinances to be published.

SEC. 36. All ordinances of the city may be proven by the seal of the corporation; and when published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts or places, without further proof.

Ordinances, how proven.

SEC. 37. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace therein, both in civil and criminal cases arising under the laws of the Territory. They shall, as justices of the peace, within the limits of the city, perform the same duties, be governed by the same laws, give the same bonds and securities as other justices of the peace, and be commissioned by the Governor, as justices of the peace, in and for said city.

Mayor and aldermen, powers.

Commissioned by the Gov.

SEC. 38. The mayor and aldermen shall have jurisdiction in all cases arising under the ordinance of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court of Tooele county, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Mayor and aldermen, jurisdiction of.

Appeals, how taken.

SEC. 39. The municipal court may sit on the first Monday of every month, and the city council, at such times and places as may be prescribed by city ordinance; special meetings of which may at any time be called by the mayor or any two aldermen.

Municipal court and council, meeting of.

Process directed to marshal.

SEC. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws as are, or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Duty of recorder.

SEC. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and he shall perform such other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

When private property is taken.

SEC. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the city.

Duty of jurors.

SEC. 43. All jurors empannelled to inquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Mayor, how tried.

SEC. 44. In case the mayor shall, at any time, be guilty of any palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the probate court of Tooele county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Punishment of vagrants.

SEC. 45. The city council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to

pay the fines and forfeitures which may be awarded against them.

SEC. 46. The inhabitants of E. T. city shall, from and after the first Monday in July next, be exempt from working on any road or roads, beyond the limits of said city. But all taxes devoted to road purposes, shall, from and after said date, be collected and expended by, and under the direction of the supervisor of streets, within the limits of the city.

Inhabitants of city exempt from working on roads out of the city.

Approved Jan. 18, 1855.

RESOLUTIONS.

NUMBER I.

JOINT RESOLUTION legalizing the laws of the Provisional Government of the State of Deseret.

Deseret laws
legalized.

Resolved, by the Legislative Assembly of the Territory of Utah: That the laws heretofore passed by the provisional government of the State of Deseret, and which do not conflict with the "Organic Act," of said Territory, be, and the same are hereby declared to be legal, and in full force and virtue, and shall so remain until superseded by the action of the Legislative Assembly of the Territory of Utah.

Approved Oct. 4, 1851.

NUMBER II.

JOINT RESOLUTIONS, locating the seat of Government for the Territory of Utah in Pauvan Valley.

Seat of govern-
ment located in
Pauvan valley.

Resolved by the Legislative Assembly of the Territory of Utah: That the seat of government for said Territory, be, and the same is hereby located in Pauvan valley in said Territory.

Gov. appoint a
committee to
locate the seat
of government.

Resolved, that the Governor of this Territory is hereby authorized to appoint a committee, of not less than two, nor more than five, to select a site in said valley for the seat of government, and locate the same; and further provide for the immediate erection of such pub-

lie buildings at said location as shall be necessary for the purpose of convening the Legislative Assembly, and other purposes pertaining to the government of said Territory, so far as the appropriation of twenty thousand dollars by the government of the United States, for the purpose of erecting suitable public buildings in said Territory, will justify.

Approved October 4, 1851.

NUMBER III.

JOINT RESOLUTIONS, in relation to the Utah Library.

Whereas, through the munificence of the United States Government, and the liberality of private individuals from various parts of the United States, a valuable library of choice books and papers have now arrived in boxes in this city, which require immediate attention, both for safe keeping and for becoming available to the people, according to the original purpose of the government; therefore,

Resolved, by the Governor and Legislative Assembly of the Territory of Utah: That the committee on library is hereby authorized to procure a convenient room with proper fixtures and appurtenances, either in the present State House, or at some central position of this city, for the preservation and use of the aforesaid library. Committee on library provide rooms for the books, &c.

Resolved, that the said committee be further authorized to draw from the treasury of the United States, through Joseph L. Heywood, marshal of the United States, for the Territory of Utah, any sum not exceeding two hundred dollars, in order to carry into effect the above resolution.

Resolved, that the office of librarian is hereby created for the Territory of Utah, whose duty it shall be to preserve, and keep to their legitimate purpose all the books and papers of the library of the Territory, under a bond of five thousand dollars, to be approved by the Governor, and filed in the office of the Secretary of the Territory. Librarian to draw order for \$200 for use of library.

Duty of librarian.

Resolved, That it shall further be the duty of said librarian to keep, disburse, and control all books, papers, maps, charts, globes, and apparatus, &c., &c., that now do, or hereafter may belong to the library of the Territory of Utah, subject to the control, discretion, and direction of the Legislative Assembly, and make report of his doings from time to time to the legislature as shall by them be required.

Gov. appoint librarian.

Resolved, That the Governor is hereby authorized to appoint a librarian for the Territory of Utah, and remove the same at discretion.

Approved Oct. 4, 1851.

NUMBER IV.

RESOLUTION in relation to the election of twelve Select men, or Referees.

Election of select men.

Duty of

Proviso.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah: That it shall be lawful for each organized county to elect a council of twelve select men as referees, whose duty it shall be to decide all cases in litigation which may come before them by the mutual consent of the parties interested; and their decision in all cases so brought before them shall be the end of all controversy in the matter. A majority of said select men shall constitute a quorum to do business: Provided, that nothing herein contained shall be so construed as to vest in said council any judicial power of said Territory.

Approved March 6, 1852.

NUMBER V.

RESOLUTION relative to communications on civil and military matters.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That all public docu-

ments, letters, papers, and communications, civil and military, in relation to territorial business, shall be post free, the postage on the same to be chargeable in the territorial treasury.

Civil and military matters post free.

Approved March 6, 1852.

NUMBER VI.

RESOLUTION in relation to Weights and Measures.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Secretary of the Territory of Utah, be requested to apply to the secretary of the treasury of the United States, to furnish the Governor of this Territory with a full set of the standard weights and measures established by Congress, to be kept for the use of this Territory.

Secretary to apply for weights and measures.

Approved March 3, 1852.

NUMBER VII.

RESOLUTION for the encouragement of the manufacture of Powder.

1st. Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That a premium of two hundred dollars be paid for the first one hundred pounds of good rifle powder that is manufactured from ingredients which are the products of the Territory of Utah; and one hundred dollars for the second hundred pounds; and fifty dollars for every subsequent hundred pounds, until two thousand pounds shall be offered, that is entitled to receive the premium.

Manufacture of powder.

2nd. The manufacturer shall present it together with the evidences that it has been thus manufactured in the Territory, to the lieutenant general of the Nauvoo Legion, and if it proves to be of suitable quality,

he shall draw an order on the Treasurer for the amount of premium due.

3rd. The auditor of public accounts shall audit all such orders, and the Treasurer shall pay them on demand, out of any monies in the Treasury not otherwise appropriated.

Approved Dec. 23, 1852.

NUMBER VIII.

RESOLUTION in relation to the Washington Monument.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Governor is hereby authorized and requested to forward to the Washington monument committee at Washington city, the block of marble now in the library; as was designed and authorized by the legislature of the provisional government of the State of Deseret, during the session of that body in 1850; and that the auditor be instructed to issue his warrant upon the Territorial treasury for any amount which the Governor may require to defray the expense thereof.

Washington monument.

Approved Jan. 21, 1853.

NUMBER IX.

JOINT RESOLUTION to change the name of William McPherson to William Mac.

William Mac.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That whereas William Macpherson of Great Salt Lake city, Merchant, has petitioned to have his name changed to William Mac, the prayer of said petitioner is hereby granted.

Approved Jan. 21, 1853.

NUMBER X.

RESOLUTION in relation to exemption of Property from execution.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That sections 21 and 22 of "An Act in relation to the Judiciary," approved February 4, 1852, relating to the exemption of property from execution, have been and are in full force, there being no law, nor part of law, designed to repeal them.

Property exempt.

Approved June 4, 1853.

NUMBER XI.

RESOLUTION offering a reward for the discovery of a Coal bed near Great Salt Lake City.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sum of one thousand dollars be, and the same is hereby appropriated out of any money in the public treasury not otherwise appropriated, as a reward to any resident of this Territory who will open a good coal mine, not less than eighteen inches thick, within forty miles of Great Salt Lake City, in any accessible position, and that can be profitably worked; and when the Governor shall become satisfied of the fact, he may draw on the treasury of the Territory for the amount in favor of the person entitled to it; and the Governor shall control said coal mine until further provided for by law.

Reward for coal bed.

Approved Jan. 14, 1854.

NUMBER XII.

RESOLUTION exempting the members of the Legislative Assembly of the Territory of Utah, from arrest and summons, during the sitting of the Legislature, and while going to and from the same.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the members of the Council and House of Representatives, shall be priv-

Members of
L. A. exempt
from arrest.

ileged from arrest and summons, during the sessions of the Legislative Assembly, or during the time of their going to, and returning from said session, except for treason or murder; and no suit at law against any member, shall be prosecuted during said session.

Approved Jan. 14, 1854.

NUMBER XIII.

RESOLUTION relating to the representation of Green River and Great Salt Lake Counties.

Representation
of Green River
& G. S. L.
counties.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That Green River county be entitled to one representative in this Legislative Assembly; and that Great Salt Lake county elect one less than heretofore.

Approved Jan. 19, 1854.

NUMBER XIV.

RESOLUTION in relation to arranging and compiling the laws of Utah.

Resolved by the Governor and Legislative Assembly of the Territory of Utah, In order that the laws in force of the present and past sessions may be bound in one book:

Committee,
number and
duty of.

That a committee of one from the Council, and two from the House, be appointed to compile and arrange the laws which shall be passed during the present session, and which have heretofore been passed by the Legislative Assembly of this Territory; and by the provisional State of Deseret; omitting such as are obviously repealed; and presenting a schedule of those portions designed to be reprinted, and of the parts deemed proper to omit, in season for the action of this Assembly upon their doings.

Approved Dec. 23, 1854.

NUMBER XV.

RESOLUTION concerning Marks and Brands.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the recorder of marks and brands, is authorized to drop from the list, all such marks or brands as belong to persons who have permanently left the Territory; and that we sanction his proposition for the publication of the list of marks and brands in alphabetical order.

Marks & brands
of persons re-
moved.

Approved Jan. 16, 1855.

NUMBER XVI.

RESOLUTION appropriating money to the Territorial Road Commissioner, &c.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sum of one thousand dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to Ira Eldredge, to apply on services rendered by him, as Territorial road commissioner. Also that the sum of five hundred dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to David Canfield and others, as compensation for rebuilding the Provo bridge.

To I. Eldredge,
\$1,000.

Approved Jan. 16, 1855.

NUMBER XVII.

RESOLUTION in relation to certain delinquent taxes.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the several tax

Delinquent
taxes 1849-50-51

collectors in this Territory, shall receive the receipt of the Territorial road commissioner, in payment of any delinquent taxes for 1849, 1850 and 1851; and when said receipts are presented by the collectors to the treasurer, they shall be received and receipted for as cash.

Approved Jan. 16, 1855.

NUMBER XVIII.

RESOLUTION in relation to the Territorial Road in Great Salt Lake City.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sum of one thousand dollars is hereby appropriated, out of any money in the Territorial treasury unappropriated, for making a road, commencing at the Great Salt Lake City bath house on the Territorial road, and extending north to the northern boundary of said city; to be all or any part thereof expended on said road, for the current year, under the direction of the Territorial road commissioner; and said commissioner is hereby authorized to examine and relocate said road.

Approved Jan. 18, 1855.

NUMBER XIX.

RESOLUTION specifying the times of holding United States courts in the several Judicial Districts.

SEC. 1. Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the times of holding United States district courts annually in the several judicial districts shall be as follows: In the first judicial district: on the first Monday in December in Great Salt Lake city; on the first Monday in March in Ogden city; and on the third Monday in March in Provo city. In the second judicial district: on the third Monday in October in Nephi city; on the

1st district.

2nd district.

Appropriation
of \$1,000.

last Monday in October in Manti city; on the second Monday in November in Fillmore city, and on the third Monday in November in Parowan city. In the third judicial district: on the first Monday in September at the county seat of Carson county.

3rd district.

SEC. 2. That a supreme court shall be held annually on the first Monday in January, at the seat of Government.

Supreme court,
when held.

Approved Jan. 19, 1855.

NUMBER XX.

RESOLUTION in relation the Utah Library.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the librarian of the Utah library is instructed and required to allow no one but himself or deputy, to have the key or unlock the door of said library, to immediately advertize in the Deseret News for the books now out to be brought in, and so far as possible to see that this request is complied with; to have all the books numbered, and the corresponding number placed upon the catalogue; to inform the Secretary of the Territory of such disbursements as may be necessary for the proper preservation and use of the library, and be guided by such counsels and instructions therein as the Secretary may see proper to give; to allow no person to take out a book, without it is charged by the librarian, or his deputy; and to make report, from time to time to the Secretary of the Territory, of all his act, doings, and expenditures in relation to said library.

Librarian, in-
structions to.

Approved Jan. 19, 1855.

NUMBER XXI.

RESOLUTION apportioning a Representative to Carson county.

Representation of Carson co. Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That Carson county is entitled to one representative in this Legislative Assembly, and that Weber county elect one less than heretofore.

Approved January 19, 1855.

NUMBER XXII.

RESOLUTION assigning the United States Judges for Utah to the several Judicial Districts.

Hon. J. F. Kinney. SEC. 1. Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Hon. John F. Kinney, chief justice, is assigned to the second judicial district: Provided that in case the Hon. Leonidas Shaver ceases to officiate as associate judge, previous to the next regular session of the Legislative Assembly, the Hon. John F. Kinney in that event is assigned to the first judicial district, and the successor of the Hon. Leonidas Shaver to the second.

Hon. G. P. Styles. SEC. 2. That the Hon. George P. Stiles, associate judge is assigned to the third judicial district.

Approved January 19, 1855.

NUMBER XXIII.

RESOLUTION electing the Officers of the Utah Penitentiary.

D. Carn, warden A. P. Rockwood, L. Snow, S. W. Richards, inspectors. Be it resolved by the Governor and Legislative Assembly of the Utah: That Daniel Carn is hereby elected warden, and Albert P. Rockwood, Lorenzo Snow, and Samuel W. Richards, are hereby elected inspectors of the Utah Penitentiary, in Great Salt Lake county, Utah Territory.

Approved January 19, 1855.

NUMBER XXIV.

RESOLUTION appropriating Money to the Deseret News Office.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sum of two hundred and eighty seven dollars (\$287) be, and the same is hereby appropriated out of the Territorial Treasury out of any money not otherwise appropriated to the Deseret News office for amount of bill rendered.

News office,
\$287.

Approved January 19, 1855.

NUMBER XXV.

RESOLUTION for convening the Legislative Assembly, and concerning the Library.

SEC. 1. Resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sessions of the Legislative Assembly hereafter shall commence annually on the second Monday of December, at ten o'clock a.m., in the Territorial House, at Fillmore city, until altered by legislative enactment.

Sessions, when
and where held

SEC. 2. Be it further resolved that the Territorial Librarian remove the library to the seat of government whenever Governor Brigham Young shall require it.

Librarian to
remove library.

Approved January 19, 1855.

NUMBER XXVI.

RESOLUTION in relation to the Deseret Iron Works.

SEC. 1. Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That Brigham Young is hereby appointed an agent for the Territory of Utah, and is authorized to subscribe two shares of stock in the Deseret Iron Company.

B. Young to
take stock in.

SEC. 2. The territorial treasurer is hereby authorized and instructed to pay over to Brigham Young, or his order, the sum of four thousand eight hundred and forty dollars, it being the amount required for the above named shares.

Approved January 19, 1855.

NUMBER XXVII.

RESOLUTION to extend the Jurisdiction of the Municipal Authority of the city of Payson.

Municipal authority extended.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the municipal authority of the city of Payson shall be extended over that portion of territory in Utah county, embraced in the following boundaries, to wit: Beginning where the north line of the present incorporation crosses the east line of the Big Field survey; thence north to Duck creek; thence west to Peteetneet creek; thence down the main channel of said creek to Utah Lake; thence along the border of said lake to where the present line of said city intersects the lake.

Approved January 19, 1855.

NUMBER XXVIII.

RESOLUTION appropriating Money to be laid out on the Territorial Road in Weber county.

\$1,000.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the sum of one thousand dollars be, and the same is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, to James Brown, of Ogden city, to be laid out under the direction of the Territorial road commissioner, in building bridges across the sloughs on the south side of Weber river, and on the north side of Ogden river.

Approved January 19, 1855.

MEMORIALS.

NUMBER I.

Memorial to Congress for an appropriation to defray the expenses of the Provisional Government of Deseret.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

The Governor and Legislative Assembly of the Territory of Utah beg leave to memorialize your honorable body, that,

Approved
March 3, 1852.

Whereas, the provisional government for the State of Deseret (now Utah Territory) was formed in the winter of 1849, and continued at considerable expense, up to the organization of the territorial government, on the arrival of the officers appointed by Congress to this Territory; and,

Whereas, no appropriation by Congress has been made to meet the expense of the provisional government previous to December 1850; and,

Whereas, the necessity of such a provisional government at this early period of the settlement of this Great Basin, was manifest and indisputably urgent, both on account of the rapid settlement of these mountain valleys, and of the visitation of a numerous and promiscuous crowd of strangers passing to the gold mines, and returning by way of Salt Lake; and also on account of our exposure to Indian depredations in the very dawn of our earliest settlement, and of the great difficulty of rendering the soil of these valleys productive, owing to the fact, that the climate is exceedingly dry, and the insects very destructive, causing the first year's efforts at rendering it fruitful for the support of the infant colony prominently unavailing, the colony being obliged to sustain themselves considerably upon indi-

Approved
March 3, 1852.

genous roots, and upon raw hides, and emaciated animals, and other precarious means, absolutely revolting to civilized man; and,

Whereas, the settlement of these valleys by a numerous population of industrious, peaceable and patriotic citizens at a central position of the North American continent is believed to be, in an humble sphere, conducive to the strength, prosperity and durability of the of the national confederacy;

Therefore, your memorialists pray Congress to appropriate a sufficient sum to meet the expenses of the provisional and territorial government from 1849 to September 1851, amounting to the sum of twenty thousand, seven hundred and thirty-five dollars and thirty-five cents, asseen by the accompanying bills; and your memorialists, as in duty bound will ever pray.

Approved March 3, 1852.

NUMBER II.

MEMORIAL to Congress for the establishment of a Weekly Mail Route from the Missouri river to Great Salt Lake City.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
March 3, 1852.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray the establishment of a weekly mail route from the Missouri river to this place; as by the present arrangement of monthly mails we often fail getting them once in even two months, during the winter season, which you will perceive, subjects us to serious inconveniences, and many disadvantages, when compared with the more favored population of the States, where they enjoy all the facilities of communication, afforded by the power of steam, and the lightning rapidity of the telegraph.

The early attention of Congress to this our memorial is earnestly desired, as a great favor and benefit to the overland emigration to California, and to the inhabitants of Oregon and Utah Territories; and as in duty bound, your memorialists will ever pray.

Approved March 3, 1852.

NUMBER III.

MEMORIAL to Congress for an Appropriation for support of Schools.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
March 3, 1852.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, feeling a deep interest in the promotion of a general system of education, and the general diffusion of knowledge among all classes; and laboring under the difficulties incident to the settlement of all new territories, and especially those far removed from the confines of civilization; and feeling grateful to the general government for the valuable library furnished our Territory, as also for the appropriations of two sections of land in each township, when the same shall have been surveyed and brought into market (which lands will eventually, in some cases, prove beneficial in promoting the object for which they were granted; but, at present, they are wholly unavailable, and must remain so for a considerable length of time, as your honorable body must readily perceive, owing to the fact that the Indian title has, in no instance, been extinguished in any part of said Territory, nor any surveys, as yet authorized by the general government) and having no resources on which to base the establishment of a school fund, respectfully pray your honorable body to grant that the sum of twenty-four thousand dollars, appropriated for the "compensation and mileage of members of the Legislative Assembly, officers, clerks, and contingent expenses" of the Territory of Utah, for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty one (Statutes at large for 1851, page 570) or so much thereof as shall not be expended for the purpose for which it was appropriated, together with such additional sum as your wisdom and liberality may see proper to bestow, be appropriated, to be invested by your memorialists in some productive fund, the proceeds of which shall be forever applied by the Legislature of said Territory to the use and support of schools.

The early attention of your honorable body is respectfully solicited to the favorable consideration of this deeply interesting subject, fraught as it is, with conse-

Approved
March 3, 1852.

quences of so much importance to the youth of this new and flourishing Territory; and your memorialists, as in duty bound, will ever pray.

Approved March 3, 1852.

NUMBER IV.

MEMORIAL to Congress for an act authorizing Treaties with Indians.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
March 6, 1852.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the passage of an act to authorize the superintendent of Indian affairs of this Territory, to make treaties with, and purchase the lands of the Shoshone or Snake, Utah, Parvante, San Pitch, Piedades, Cumembahs or Snake Diggers, Uinta and Yampah Utes, and such other Indian tribe or tribes or bands, or any portion thereof, that may be necessary for the advancement of the settlers of this Territory; and that a sufficient sum be appropriated to defray the expenses of all treaties so held, and to make the first payment on the purchases so made, and for the establishing of schools, the erection of mills, furnishing implements of husbandry, and suitable instructors for the Indians. The favorable attention of your honorable body to this highly important subject, at as early a period as practicable, is respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

NUMBER V.

MEMORIAL to Congress for the Donation of Public Lands to Settlers, and for Educational Purposes.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
March 6, 1852.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the survey of the

public lands; and also to extend to this Territory and its inhabitants, the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and territory of Oregon, by the provisions of an act entitled "An act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers on the said lands," approved Sept. 27, 1850, thereby granting to the hardy pioneer the simple boon of a home, free of charge, as a partial reward for exposure to the hardships, dangers, difficulties, privations and sufferings, which are encountered by the early settlers in such distant wilds and unsubdued territories.

The early attention and favorable consideration of your honorable body to this highly important subject are earnestly and respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

NUMBER VI.

MEMORIAL to Congress on the subject of the Survey of the Southern Boundary of the Territory of Utah.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the appointment of a commission to survey and mark the southern boundary line of this Territory, and make an appropriation sufficient to cover the expense of the same. Your memorialists are of opinion that the immediate survey of this boundary line is highly important, as new settlements are constantly forming in that direction; and unless the line can be authentically determined, difficulties respecting jurisdiction will be liable to arise.

The attention of your honorable body to this subject is respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved March 6, 1852.

Approved
March 6, 1852.

Approved
March 6, 1852.

NUMBER VII.

MEMORIAL to Congress for a Geodetic Survey in Utah Territory.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 21, 1853.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to order Captain Howard Stansbury, or others of the corps of topographical engineers, to make a Geodetic Survey, to commence at the southern termination of the last survey of Captain Stansbury, in the years 1849 and 1850, and extend the same to the southern boundary of the Territory of Utah, embracing the Sevier or Nicollet Lake and its tributaries, and the sources of the river Virgin, and the iron and coal districts; and to be continued from time to time, until a good map of your newly acquired Territory can be made.

Your memorialists ever desirous for the increase and diffusion of geographical knowledge and natural history, respectfully desire the favorable attention of your honorable body to this important subject; and your memorialists, as in duty bound, will ever pray, &c.

Approved Jan. 21, 1853.

NUMBER VIII.

MEMORIAL to Congress to increase the time of Legislature.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 21, 1853.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully represent to your honorable body, that in consequence of the increase of the population and consequent extension and enlargement of the settlements in this Territory, that the term of forty days is entirely insufficient to accomplish the legislative business actually necessary to meet the wants of this Territory, which now contains

something over thirty thousand inhabitants, and their numbers are rapidly increasing, to say nothing of the tens of thousands that annually pass and re-pass to and from the land of gold; your memorialists therefore respectfully pray for the extension of the time of forty days as now provided by law, to ninety days annually, as your memorialists believe it impossible to accomplish in a proper manner the legislative business of this Territory in a less term than three months. The favorable consideration of this important subject by your honorable body is respectfully desired, and, as in duty bound, your memorialists will ever pray.

Approved
Jan. 21, 1853.

Approved Jan. 21, 1853.

NUMBER IX.

MEMORIAL to Congress for an Electric Telegraph from the Mississippi river to California.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully beg leave to suggest that,

Approved
Jan. 21, 1853.

Whereas, the inhabitants of this Territory are situated in the Great Basin of North America, occupying an intermediate position between California and the States on the Mississippi, and being shut out by this isolated position from a ready intercourse with their mother States, the roads passing over arid plains, rough and desert mountains, taking a term of thirty days in the best seasons of the year for the mails to pass through from the confines of civilization to this Territory; and considering the obstructions arising from storms, floods, and the depredations of hostile Indians, all combining to render our means of intercourse extremely limited and precarious: Therefore, your memorialists respectfully pray your honorable body to provide for the construction of a telegraph from some convenient point on the Mississippi or Missouri, via Great Salt Lake City, to San Diego, San Francisco, Astoria, or

Approved
Jan. 21, 1853.

such other eligible port on the Pacific coast, as your wisdom may direct; and your memorialists respectfully beg leave to state their sincere conviction, that no movement of Congress could be better calculated to preserve inviolable our glorious union, than to bind the east and west by an electric stream, whereby intelligence and instantaneous intercourse from the eastern to the western limits of our wide spread country annihilate the distance, and make the freeman of Maine and Oregon, Florida and California, immediate neighbors.

The favorable consideration of this important subject at an early period by Congress is respectfully solicited, and your memorialists as in duty bound will ever pray.

Approved Jan. 21, 1853.

NUMBER X.

MEMORIAL to Congress for the construction of a Military Road from the north of the Platte or Nebraska river to Sacramento, California.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 21, 1853.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the construction of a military road from some eligible point at or near the mouth of the Platte or Nebraska river, by way of Great Salt Lake City, to Sacramento, California. Your memorialists respectfully represent that not less than six thousand American citizens have perished on the routes between the Missouri river and the gold mines, within the last four years, in consequence of exposure, and toil from crossing rivers, marshes, mountains, and deserts. Your memorialists know that this state of things must continue, until the streams are bridged, and the roads made passable by improvement. We therefore beg leave to suggest that some of the corps of the United States topographical engineers be employed to locate said road on the best and most direct route, and that means be provided for the immediate bridging of all the rivers, whose high waters not unfrequently stop the

emigrant companies for months, in the early part of the season, thereby rendering a safe crossing over the Sierra Nevada extremely doubtful in the fall, before the passes of the mountains are blocked with snow. We would further suggest that as a military work it is indispensable for the transportation of troops and munitions of war for the protection of the emigrants in the Indian country, as well as our western frontier, in case of war with any maritime power, to say nothing of the impossibility of transmitting mails, and expresses, in the seasons of high water. Therefore your memorialists respectfully pray for the appropriation of six hundred thousand dollars for the location, working, and bridging said road, and your memorialists will ever pray.

Approved
Jan. 21, 1853.

Approved Jan. 21, 1853.

NUMBER XI.

MEMORIAL to Congress to defray the expenses of the Indian Wars.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to represent to your honorable body, that since the settlement of what is now the Territory of Utah, by your memorialists, frequent Indian depredations have been committed upon the persons and property of the citizens, by the various tribes inhabiting the mountains; and,

Approved
Jan. 21, 1853.

Whereas, it was found necessary to repel such depredations by an armed force of regularly organized bodies of citizens at much expense, toil and hardship; sometimes in the depths of winter, and sometimes in mid summer, at a time when our crops should be gathered by the husbandman (which in many instances were lost by a necessary absence and neglect); and,

Whereas, the adjutant general of this Territory has made a full report of the same, together with the necessary expenditures incurred by this infant colony, to the War Department at Washington city;

Approved
Jan. 21, 1853.

Your memorialists, therefore, respectfully pray your honorable body to call for said report, and to appropriate the amount therein specified, for the payment of those who were engaged in such expeditions, and for such military stores as were necessarily used in those expeditions, believing the same to be just and equal, and in strict accordance with the usages and precedents of the general government, and your petitioners, as in duty bound, will ever pray.

Approved Jan. 21, 1853.

NUMBER XII.

MEMORIAL to Congress to make the Territorial Offices elective.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 21, 1853.

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave to represent to your honorable body, that in their opinion, none are better qualified to select officers and rules to control and guide the destinies of any people, than the very people who are to be governed; and to none does that right more legitimately belong than to the brave and hardy pioneers settling in a new country. Such men can feel, and therefore know their own wants; and would naturally select such men for official stations as were identified with their interests, acquainted with their wants, and whose deeds of valor and enterprize in behalf of the young colony, recommended them to the suffrages of a grateful people, whose pride it ever is to reward true merit with their richest and most precious gifts. This right granted to any territory by the general government, would tend, in the opinion of your memorialists, to promote the most cordial and amicable feelings, and re-act upon the power that granted it with the most patriotic devotion to its best interests.

Though time-honored as the custom is, to impose strangers, and in one respect foreigners, upon the citi-

zens of distant provinces and territories, to hold the reins of government over them, your memorialists cannot but regard that custom as an infringement upon the rights of self government—a relic of despotism, and directly opposed to the genius and policy of republican institutions.

Therefore, your memorialists respectfully ask your honorable body to grant, by suitable enactments, to this Territory, the right to elect its own officers on the same footing with the States already admitted, and your memorialists, as in duty bound, will ever pray.

Approved Jan. 21, 1853.

NUMBER XIII.

MEMORIAL to Congress to establish a Weekly Mail from Great Salt Lake City to San Diego.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

The Governor and Legislative Assembly of the Territory of Utah, respectfully memorialize your honorable body for the following purpose, viz:

Whereas, the locality of Utah Territory is such as to render it inaccessible to the mail from Missouri during four months in the year, and also, for a period of six months in the year, it is inaccessible to the mail from Sacramento and Oregon, by way of Fort Hall, which are the only available mail routes from this Territory to the United States now in use; and,

Whereas, we are thereby excluded from intercourse with the United States and other nations during a considerable portion of the year, which is very prejudicial to the acquisition of timely intelligence from abroad by us as members of the great political compact; and,

Whereas, natural facilities do exist for establishing a mail route from Great Salt Lake City to San Diego, or some other eligible position on the coast of the Pacific near that place, which route can be traversed without any serious obstacles during every month in the year,

Approved
Jan. 21, 1853.

Approved
Jan. 21, 1853.

and ample supplies of the most nutritious grasses are at all seasons available for the sustenance of animals; and,

Whereas, cities and settlements are already formed on this latter route at the distance of two hundred and seventy-five miles, and other settlements are prospectively in preparation to be formed, still further in the same line of communication to San Bernardino, sixty miles north-easterly of San Diego; therefore,

We, your memorialists, do humbly pray Congress to establish a weekly mail route from Great Salt Lake City to San Diego, and make appropriations suitable to effect the same. To this subject the early attention of Congress is most respectfully solicited; and your memorialists, as in duty bound, will ever pray.

Approved Jan. 21, 1853.

NUMBER XIV.

MEMORIAL to Congress in relation to the Pacific Railway.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 14, 1854.

GENTLEMEN,—Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, beg leave respectfully to represent to your honorable body, that it is with no ordinary feelings of interest that we witness the progress of events, which appear probable to result in the construction of a railway across the continent. It is not deemed necessary at this late day to urge the importance and necessity of this great work, nor even its practicability, for these are questions which the intelligence of the people and their representatives have freely and fully discussed, and happily disposed of by the action of Congress, in authorizing reconnoissances to ascertain the most practicable route. Hence our main object in this memorial is to give our candid views on what we deem the best route for the location of the first line of railroad from the Missouri river to the Pacific ocean; this we shall do from reliable information in our possession, and in the briefest manner

that our judgment will admit, without entering into the detail of distances, elevations, and depressions, which can only be satisfactorily determined by the careful survey necessary to finally locate the route.

Approved
Jan. 14, 1854.

Without further preface, and with all due deference, in our judgment, the route in question should commence at Council Bluff city, keep up the main Platte to its south fork, and up the south fork to the proper point for diverging to the summit of the Black Hills, in the neighborhood of what is known as the Box Elder pass; or commencing near the mouth of the Kansas, and keeping up that stream to the Republican fork, and up that to where you leave it to reach the same pass. A glance at the map will show the difference of distance between the Missouri river and said pass by the two named routes to be very trifling, and the grade would be equally low, and the amount of timber, grass, quality of soil, climate, and facilities for settlement are almost or entirely identical.

The Box Elder pass is a wide, low depression in the Black Hills, with very gentle ascent and descent; from this point the route is across the southern portion of the level, well watered, and grassy Laramie's plains, to the Medicine Bow Butte; thence by gentle grade across the north fork of the Platte to a low, beautiful pass on the summit of the Rocky Mountains called Bridger's pass. Here the route reaches the eastern out-crop of the rich and thick bituminous coal beds of the extensive region drained by the waters of Muddy and Bitter creeks, whose strong indications of rich iron ore beds were also noticed, and pursues its easy grade across Green river near the mouth of Henry's fork, an affluent from the west, whose outlet is just above Brown's Hole; thence up Henry's fork, and across Bear river and Weber river by its lower canyon into Kamas prairie, and down the Timpanogos or Provo river into Utah valley. From the mouth of the canyon of Provo river by the north end of Utah lake to Walker's river pass in the Sierra Nevada, the face of the country is nearly a dead level, with the exception of short isolated ranges of mountains, which could easily be turned, if any were found on the line. From all we can learn, Walker's river pass is the most eligible in the Sierra Nevada, anywhere north of Walker's pass, which is near latitude

Approved
Jan. 14, 1854.

35°, and of course much too far south. Between Walker's river pass and San Francisco, on a direct line, there is no unusual obstacle.

The most casual inspection of any late map will demonstrate the route above indicated to be the shortest, most direct, and most central that can be located between the Missouri river and San Francisco, by way of any practicable mountain passes now known. From the Box Elder pass to the rich valleys skirting the west base of the Wahsatch mountains, independent of the inexhaustible coal beds, and strongly indicated iron ores of Bitter creek, there are more favorable localities for settlements on and near the line indicated, than on any other between the same parallels of longitude, unless a route is made extremely crooked, and solely with a view to accommodate such locations.

The mouth of the Timpanogos or Provo kanyon opens immediately upon the eastern edge of Utah valley, and near Provo city, which will, ere long, be rich and powerful, through skill and labor well applied to its abundant resources. This is the most eligible point for branching through a rich chain of fortunately located valleys to Oregon on the one hand, and San Diego on the other. From longitude 113° 30' to the Sierra Nevada, there is but little chance for settlements, of much importance on any route.

Having thus briefly expressed our views upon this all-absorbing subject, we beg leave, with all deference, to express our firm conviction that the desired action on this subject by your honorable body, to render this a national work, is almost unanimously demanded by the whole country, and is entirely constitutional: all of which is respectfully submitted.

Approved Jan. 14, 1854.

NUMBER XV.

MEMORIAL to Congress for calling a Convention to form a State Government.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists, the Governor and Legislative As-

sembly of the Territory of Utah, respectfully represent that, Approved
Jan. 14, 1854.

Whereas, our Territory is far remote from any other civilized portion of the American Union, surrounded by vast deserts or mountains, by which means nearly all communication with the national capital is cut off for many months in the year; and,

Whereas, our Territory is nearly doubling her population annually, leaving her at the present time but little, if any, behind the younger sisters of the Union in point of numbers, at the time of their admission into the Union as sovereign states:

Therefore, to lessen the foregoing difficulties—to advance the glorious principles of republican institutions, or of self government, and as the surest and most permanent basis of true liberty; your memorialists respectfully solicit your honorable body for the passage of an act authorizing the inhabitants of this Territory, to call a convention to form a constitution and state government, preparatory to taking her place beside her elder sisters in the great Federal Union.

The early attention of Congress is earnestly solicited to this important subject, for which your memorialists, as in duty bound, will ever pray.

Approved Jan. 14, 1854.

NUMBER XVI.

MEMORIAL to Congress for five thousand dollars for the University.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, feeling a deep interest in the future welfare of the Territory, and for the advancement of her sons and daughters in science and literature, respectfully ask your honorable body to appropriate the sum of five thousand dollars, to advance the interests of the University, established by law, in the city of Great Salt Lake; and that the said sum be Approved
Jan. 17, 1854.

Approved
Jan. 17, 1854.

applied to the above purpose, under such regulations as your honorable body may appoint.

Situated as we are, remote from the multiplied facilities for improvement possessed by the older States and Territories, and unable to avail ourselves of the advantages arising from the lease or sale of certain sections of public lands, invariably appropriated for school purposes, from the fact that no land bill has yet been passed for Utah; we feel to urge our claims upon the generosity of your honorable body, with an assurance that they will meet with a response, generous on your part, and highly necessary and advantageous on ours; and your memorialists, as in duty bound, will ever pray.

Approved Jan. 17, 1854.

NUMBER XVII.

MEMORIAL to Congress to defray the expenses of the Indian wars, and the destruction and loss of property.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 17, 1854.

We your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent to your honorable body, that since the settlement of what is now the Territory of Utah, by your memorialists, frequent outrages and depredations have been, and continue to be, committed upon the persons and property of the citizens of this Territory, by various tribes inhabiting this Territory; and,

Whereas, many of the settlements have been necessarily evacuated to preserve life, and our stock driven off in herds, at the defiance of their owners; and our houses and mills have been burned; and our harvest fields have been stripped of their crops: and,

Whereas, we have been under the necessity of keeping up a strict military discipline, for the safety of our persons and property; and,

Whereas, the adjutant general has, and will make a full report, of all the expenditures, and losses of prop-

erty incurred, through the Indian depredations in this Territory, to the War Department at Washington city; and, Approved
Jan. 17, 1854.

Whereas, it has heretofore invariably been the usage of Congress to judiciously and wisely appropriate the necessary means for the relief of the citizens of other States and Territories, suffering like losses, when duly reported by the proper officers:

Your memorialists therefore pray your honorable body to call for said report or reports, and appropriate a sufficient sum, to pay the expenses and losses set forth in said report or reports, believing the same to be just and due to the citizens of this infant Territory; and your memorialists, as in duty bound, will ever pray.

Approved Jan. 17, 1854.

NUMBER XVIII.

MEMORIAL for an appropriation towards the completion of the Penitentiary.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, do respectfully represent that, Approved
Jan. 19, 1855.

Whereas, your honorable body has appropriated the sum of twenty thousand dollars towards the erection of a prison or penitentiary for the safe keeping of convicts found guilty of crimes in said Territory; and, whereas, the said twenty thousand dollars has been expended by your agent, the Hon. Secretary A. W. Babbitt, towards the erection of said penitentiary; and, whereas, to complete the said penitentiary, a further appropriation is necessary,

Therefore, we, your said memorialists, earnestly ask your honorable body to appropriate an additional sum of fifteen thousand dollars, to be expended by your agent, towards the completion of the aforesaid prison, and, as in duty bound, we will ever pray.

Approved Jan. 19, 1855.

NUMBER XIX.

MEMORIAL for a further appropriation to aid in the completion of the wing of the State House.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 19, 1855.

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, do respectfully represent that,

Whereas, your honorable body seasonably appropriated twenty thousand dollars towards the erection of a suitable building to convene the Legislative Assembly of said Territory, at the seat of government thereof; and,

Whereas, the said twenty thousand dollars has been wisely and prudently expended by your agent, Governor Brigham Young, in erecting one wing of a good permanent stone building at the city of Fillmore, for the purpose intended; and,

Whereas, the said wing needs more means to finish it in a style comporting with the laudable design and general respectability among the cotemporary State buildings of the United States;

Therefore, we, your memorialists, as public servants, striving to improve the excellence of the nation, respectfully ask that your honorable body will appropriate an additional sum of twenty five thousand dollars to aid the completion of said wing, and, as in duty bound, we will ever pray.

Approved Jan. 19, 1855.

NUMBER XX.

MEMORIAL to Congress for a further appropriation for the Military Road from Great Salt Lake City, south through Provo, Fillmore, Parowan, and Cedar cities, to the eastern boundary of California.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

Approved
Jan. 19, 1855.

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully

represent to your honorable body that it is of the utmost importance that a further appropriation should be made that the road may be opened through the Territory, to facilitate the transportation of troops and military stores, whenever the same may be necessary for the protection of the settlers, and to preserve peace among the hostile tribes and protect the emigrants from Indian aggressions; as without a further appropriation, the road cannot be made, and the money already appropriated will not reach far; consequently the expectation will not be realized.

Approved
Jan. 19, 1853.

Your memorialists respectfully desire a further appropriation of fifty thousand dollars, that the road may be opened; and your memorialists, as in duty bound, will ever pray.

Approved Jan. 19, 1853.

NUMBER XXI.

MEMORIAL of the Legislative Assembly of Utah Territory.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE SENATE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

We, your petitioners, most respectfully represent that.

Unanimously
accepted Dec.
21, 1854.

Whereas, it is reliably reported that numerous applicants are constantly seeking the governorship of this Territory, and being ever anxious that the territorial appointments made by the President and Senate may redound to the unexampled prosperity of our Union; and,

Whereas, His Excellency Brigham Young and others laid the foundation amid very discouraging hardships and disadvantages, for the prosperous settlement of these isolated wilds of our public domain; and,

Whereas, his course, both as Governor and Superintendent of Indian Affairs, has invariably been of the most upright, honorable, irreproachable, responsible, and satisfactory character; and,

Whereas, his administration has constantly tended to promote the well-being of the immense passing emigration, the wonderful prosperity of Utah, and the utmost

Unanimously
adopted Dec.
21, 1854.

welfare of the general government, so far as it could possibly effect so desirable objects; and,

Whereas, Utah, notwithstanding her numerous population and flourishing settlements in a region so uninviting, has but two out of all the officers usually appointed for Territories; and,

Whereas, your petitioners and their constituents unanimously wish and fervently desire the re-appointment of His Excellency Brigham Young:

We do, therefore, most cordially, unanimously, and earnestly petition your honorable body to concur with the nomination for the re-appointment of His Excellency Brigham Young, Governor and Superintendent of Indian Affairs of Utah Territory; knowing full well that it will be an act not alone honorably courteous, but strictly just in every point of view, and one that will redound to the prosperity and welfare of this thriving Territory, and of the United States at large, to the extent of our influence as most loyal citizens of our powerful confederacy, far more than any other appointment that can be made to the executive office of Utah;

And, as in duty bound, we, your petitioners, will ever pray that peace and union may attend the righteous progression of our happy Republic.

Unanimously adopted Dec. 21, 1854.

NUMBER XXII.

MEMORIAL of the Legislative Assembly of Utah Territory.

TO HIS EXCELLENCY FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA:

We, your petitioners, most respectfully represent that,

Whereas, it is reliably reported that your Excellency is constantly importuned for the governorship of this Territory, and being ever anxious that the acts of your administration may redound to the unexampled prosperity of our Union; and,

Unanimously
received and
adopted Dec.
21, 1854.

Whereas, His Excellency Brigham Young with others laid the foundation amid very discouraging hardships and disadvantages, for the prosperous settlement of these isolated wilds of our public domain; and,

Unanimously
received and
adopted Dec.
21, 1854.

Whereas, his course, both as Governor and Superintendent of Indian Affairs, has invariably been of the most upright, honorable, irreproachable, responsible, and satisfactory character; and,

Whereas, his administration has constantly tended to promote the well-being of the immense passing emigration, the wonderful prosperity of Utah, and the utmost welfare of the general government, so far as it could possibly effect such desirable objects; and,

Whereas, Utah, notwithstanding her numerous population and flourishing settlements in a region so uninviting, has but two out of all the officers usually appointed for territories; and,

Whereas, your petitioners and their constituents unanimously wish, and fervently desire the re-appointment of His Excellency Brigham Young.

We do, therefore, most cordially, unanimously and earnestly petition your Excellency to nominate, and by and with the advice and consent of the Senate, re-appoint His Excellency Brigham Young, Governor and Superintendent of Indian Affairs of Utah Territory; knowing full well that it will be an act not alone honorably courteous, but strictly just in every point of view, and one that will redound to the prosperity and welfare of this thriving Territory, and of the United States at large to the extent of our influence as most loyal citizens of our powerful confederacy, far more than any other appointment that can be made to the executive office of Utah.

And, as in duty bound, we, your petitioners, will ever pray that peace and union may attend the righteous progression of our happy Republic.

Unanimously received and adopted Dec. 21, 1854.

NUMBER XXIII.

REPORT TO THE PRESIDENT, SENATE AND PEOPLE OF THE UNITED STATES OF AMERICA FROM THE LEGISLATIVE ASSEMBLY OF UTAH TERRITORY.

Unanimously
adopted Dec.
21, 1851.

We are unanimously resolved, that we do for ourselves and our constituents most decidedly deprecate the slanders and misrepresentations of all persons who know, or profess to know, the feelings and actions of the inhabitants of Utah, and when speaking or writing about them, put error for truth, and truth for error.

And we deprecate the spirit that induces many of the reputed wise men of our nation to give heed to such foul and baseless calumnies, to the retarding the onward tendency of all honorable efforts, and hindering the righteous progression of our Union as a whole, by constantly tending to create disaffection in its members, and throwing impediments in the pathway of all improvement.

We are further resolved that the conditional purchase, with the \$20,000 appropriated by Congress for erecting suitable buildings for the accommodation of the Legislative Assembly of Utah, of the main portion of the Council House, in Great Salt Lake City, was the most judicious temporary application of those means that the circumstances would admit of, both for the Assembly and the general government, thus saving an annual rent of some \$4,000, which would soon have swallowed up the whole amount, accommodating the Assembly better than could otherwise be done, and preserving the entire sum for permanent investment at the capital of Utah, in accordance with the designs of Congress.

We are further resolved, that we are familiar with the course which His Excellency Governor Young has taken with the said \$20,000, and do unqualifiedly assert, that his management thereof from the beginning has been of the most judicious and responsible character, and with strict economy and fidelity to the interests of the General Government therein; and we deprecate the misrepresentations which have been made in relation to this matter, and the effect those misrepresentations have had in the departments at Washington and in the halls of Congress.

That the public mind may be better informed than heretofore on the subject of the \$20,000, about which there has been so many false representations, we will now take the liberty of making a brief statement of the main facts in the case.

Unanimously
adopted Dec.
21, 1854.

In the summer of 1851, the Hon. A. W. Babbitt delivered the money in question to His Excellency Brigham Young.

During the following October and November, the committee appointed for the purpose, located the site for our capital at Fillmore city, in Millard county, and before the expiration of that November, labor and material had begun to be expended for the erection of a State House; since which time, amid scarcity of labor that could be hired, amid Indian disturbances, and amid other disadvantages unknown to residents in old settled States, or to those in the Golden State, \$26,777.53 have been economically and advantageously applied towards erecting the commodious south wing of the main building; and we confidently assert that no like appropriation has ever been more judiciously managed, both for the interests of the General Government, and of a Territory, than this has been by Governor Young.

The above amount is exclusive of the \$1,669.50, which was expended in locating the site, and which the Department disallowed on the ground of its not being customary. \$8,703.98 have been allowed, and accounts for the \$18,073.55 will be forwarded by the mail which goes out January 1, 1855.

In conclusion, we most respectfully request the rulers and wise men of our nation, and all who desire to act uprightly, to avoid deciding a matter before they have heard both sides of the question, lest injustice be done, and the innocent suffer.

Unanimously adopted Dec. 21, 1854.

INDEX.

The Index to this work is arranged in the following order:—

PART I.—Index to the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, the Constitution of the U. S., and the amendments thereto, and the Naturalization Laws.

PART II.—The Constitution and Ordinances of the Provisional State of Deseret.

PART III.—The Acts of the Legislative Assembly of Utah Territory, by their titles.

PART IV.—Incorporated cities by their names.

PART V.—Resolutions by their titles.

PART VI.—Memorials by their titles.

PART VII.—Utah Laws by paragraphs.

PART I.

INDEX TO DECLARATION OF INDEPENDENCE, ARTICLES OF CONFEDERATION, ORDINANCE 1787, CONSTITUTION OF THE U. S., AND AMENDMENTS THERETO, AND NATURALIZATION LAWS.

	Page.	Sec.	Art.
A			
Arts and science, to promote by securing rights patent	26	8	1
Acts, records, and judicial proceedings of each state entitled to faith and credit in other states	32	1	4
Amendments to the constitution, how made	33	1	5
Amendments " " ratified	35		
Appointments to be made by the President	30	2	2
Apportionment of representatives	23	2	1
Appropriations by law	28	9	1
Appropriation for army, not to exceed two years	27	8	1
Armies, Congress to raise and support	27	8	1
Arms, right of the people to keep and bear	36	1	2
Articles of Confederation	7		
Assemble, people may	36	1	1
Attainder, bill of, prohibited to Congress	28	9	1
" " prohibited to the States	28	10	1
Attainder of treason shall not work corruption of blood, &c.	32	3	3
B			
Bail, excessive not required	37	1	8
Bankruptcy, laws to be uniform	26	8	1
Bills for raising revenue, shall originate	25	7	1
" before they become laws, pass both houses, approved by President	25	7	1
Bills not returned in ten days shall be laws	26	7	1
Borrow money, Congress may	26	8	1

	Page.	Sec.	Art.
Census to be made every ten years	23	2	1
Citizens of each state entitled to the privileges and immunities of citizens in the several states	32	2	4
Claims, nothing in the constitution to prejudice any of the U. S. or any particular state	32	3	4
Coins, Congress regulate value, establish standard weights and measures	20	8	1
Commerce, Congress to regulate	20	8	1
" regulations to be equal and uniform	28	9	1
Commissions granted by the President	30	3	2
Common law, suits at, 7 amendment	37		
Congress, legislative powers vested in	22	1	1
" may alter the regulations of State Legislatures concerning elections of senators and representatives	24	4	1
" shall assemble once a year	24	4	1
" officers of government cannot be members of	25	6	1
" to provide for filling the vacancies of the office of President or Vice-President, &c.	29	1	2
" determine the time of choosing electors, &c.	29	1	2
" may invest the appointment of inferior officers in officers, in the President alone, in the courts of law, or the heads of department	29	2	2
" may establish courts inferior to the Supreme Court	31	1	3
" declare the punishment of treason	32	3	3
" prescribe the manner of proving the acts and records of the several States	32	1	4
" may admit new States	33	3	4
" may propose amendments to Constitution, or call conventions	33	1	5
" to lay and collect tax, duties, &c., borrow money, regulate commerce	26	8	1
" to define and punish piracies and felonies on the high seas, and offences against the laws of nations	27	8	1
" to declare war, grant letters of marque and reprisal and make rules concerning captures	27	8	1
" to raise and support armies, to provide and maintain a navy	27	8	1
" make rules for the government of the army and navy	27	8	1
" to provide for calling out the militia	27	8	1
" " organizing, arming, and disciplining the militia	27	8	1
" to exercise exclusive legislation over the seat of governments, forts, magazines, dock yards, and arsenals	27	8	1
" to make all laws necessary to carry into execution all powers vested in the government	27	8	1
" to dispose of and make rules concerning the territory, or other property of the U. S.	33	3	4
" President may convene and adjourn	30	3	2
Constitution	22		
" how amended	33	5	1
" must be ratified by nine States	34	1	7
" amendments thereto	35		
Contracts, no law impairing	28	10	1
Convention may be called to propose amendments	33	1	6
Counterfeiting, Congress to provide for punishment of	26	8	1
Courts, Supreme, judicial power of	31	2	3
" Supreme and inferior, how ordained	27	8	1
" " " "	31	1	3
Crimes, persons accused of fleeing from justice may be demanded	32	2	4
" how tried	31	2	3
Criminal prosecutions, proceedings in case of amendments	36		6
D			
Debts against the confederation valid	33	1	6
Declaration of Independence	3		
Duties to be laid by Congress and to be uniform	26	8	1
" further provisions respecting, &c.	27	9	1
" cannot be laid by the States	28	10	1

		Page.	Sec.	Art.
D	Duties on imports and exports, imposed by States, shall accrue to the Treasury of the U. S.	23	10	1
E	Elections of senators and representatives prescribe by the States	24	4	1
	„ qualifications and returns of members of Congress, how determined	24	5	1
	Electors of President and Vice-President, how chosen, and duties of	29	1	2
	„ duties of, amendments	37		12
	„ who is not eligible	29	1	2
	„ day of voting the same in each State	29	1	2
	Enumeration of inhabitants, when taken	23	2	1
	Executive power vested in a President	29	1	2
	Exports not to be taxed	28	9	1
	Expost-facto-law, none shall be passed	28	10	1
F	Fines excessive prohibited, amendments	37		8
	Fugitives from justice to be delivered up	32	2	4
	„ from service, may be reclaimed	32	2	4
H	Habeas Corpus, writ of, suspended only in case of rebellion or invasion	27	9	1
I	Impeachment, to be brought by House of Representatives	23	2	1
	„ tried by Senate	24	3	1
	„ judgment	24	3	1
	„ all civil officers liable to	31	4	2
	Importation of slaves not prohibited till 1803	27	9	1
	Imports, States prohibited from laying duties on	28	10	1
J	Judges shall hold their offices during good behavior	31	1	3
	„ compensation of	31	1	3
	„ of supreme and inferior courts, judiciary powers	31	1	3
	Judicial proceedings of each State entitled to faith and credit in every State	32	1	4
	Jury trial secured	31	2	3
	„ further regulated, amendment	36		6
	„ „ „	37		7
L	Law, what is declared the supreme	34	1	6
	Laws, President to see them faithfully executed	30	3	2
	Legislative powers vested in Congress	22	1	1
	Loans, Congress have authority to make	26	8	1
M	Marque and reprisal, letters of, by whom granted	27	8	1
	Militia, by whom called out, armed, officered, &c.	27	8	1
	„ commanded by the President	33	2	2
	„ their right to keep and bear arms secured, amendments	36		2
	Money drawn only by appropriation laws	28	9	1
	„ Congress to coin and regulate value	26	8	1
	„ States shall not coin	28	10	1
N	Naturalization, uniform rules for	26	8	1
	Navy, Congress to provide and govern	27	8	1
	Nobility, titles of, shall not be granted by the U. S.	28	9	1
	„ „ „ nor by either State	28	10	1
O	Oath of President	29	1	2
	„ of other public officers	34	1	6
	Officers of the House of Representatives chosen by the House	23	2	1
	„ of the Senate, except President chosen by the Senate	24	3	1
	„ civil may be removed by impeachment	31	4	2
	Order of one house requires the concurrence of the other	26	7	1
	Ordinance for the government of North West Territory 1787	15		

		Page.	Sec.	Art.
P	Pardons, President may grant	30	2	2
	Patents granted to inventors	26	8	1
	Petition, right of the people; amendments	36	1	1
	Piracy, Congress to prescribe punishment	27	8	1
	Post offices and post roads, establishment of	26	8	1
	Powers, not delegated to Congress, not prohibited the States, are reserved, amendments	37		10
	“ judicial of the U. S., how construed	37		11
	Presents from foreign powers to public officers prohibited	28	9	1
	Press, freedom of; amendments	31		1
	President of U. S., how chosen, how long for, powers vested with, qualifications for, compensation, oath of office, vacancy of	29	1	1
	“ election of; amendments	37		12
	“ commander of the army and navy and militia	30	2	2
	“ may require written opinion of heads of department	30	2	2
	“ general powers and duties of	30	2	2
	Privileges and immunities of members of Congress	25	6	1
	Property, Congress to provide for care of public	33	3	4
	“ private not taken for public use without just compensation; amendment	36		5
	Punishment, cruel and unusual prohibited	37		8
Q	Quorum for business, what shall be	24	5	1
	Quartered, no soldier shall be on a citizen; amendments	36		3
R	Receipts and expenditures, accounts of, to be published	28	9	1
	Records, how authenticated	32	1	4
	Religion, no law to establish, free exercise of; amendment	35		1
	“ no test thereof required	34	6	1
	Reprieves and pardons granted by the President	30	2	2
	Representatives, House of, members how chosen, term of office, qualifications of members; of voters, apportionment of, vacancies how supplied; shall choose their officers, have the power of impeachment	22-3	2	1
	“ shall judge of the election and qualification of its members, what shall be a quorum, any number may adjourn and compel the attendance of absentees, may determine the rules of proceedings and punish or expel disorderly members, shall keep and publish journal, shall not adjourn for more than three days, one-fifth may require the yeas and nays	24-5	5	1
	“ compensation prescribed by law, privilege from arrest, shall not be questioned for speech or debate, not appointed to office	25	6	1
	“ shall originate bills for raising revenue	25	7	1
	“ shall not be electors for President	29	1	2
	Resolution, order, or vote, requiring the concurrence of both houses, to undergo the formalities of a bill	27	7	1
	Revenue bills, where originate	25	7	1
	Rights of citizens	32	2	4
	Rules, each house shall determine its own	25	5	1
S	Seat of government, exclusive legislation	27	8	1
	Searches and seizures, security against; amendment	36		4
	Senate, composed of two senators from each State	23	3	1
	Senators, terms of service, qualification, Vice-President, President of, shall choose their officers	23	3	1
	“ shall judge of elections and qualifications of its members, what number forms a quorum, any number may adjourn and compel attendance of absentees, determine its rules, punish or expel disorderly members, shall keep and publish journals, terms of adjournment, one-fifth may require yeas and nays	24-5	5	1
	“ may propose amendments to bills for raising revenue	25	7	1
	“ shall try impeachments, judgment on impeachment	24	3	1

		Page.	Sec.	Art.
S	Senators' compensation determined by law, privilege from arrest, not questioned for speech or debate, shall not be appointed to other office	25	6	1
	" shall not be electors	29	1	2
	" how elected	24	4	1
	Slaves, their importation may be prohibited after 1808	27	9	1
	" escaping from one State to another may be reclaimed	32	2	4
	Soldiers may not be quartered on citizens; amendment	36		3
	Speech, freedom of; amendment	36		1
	States, prohibitions of	28	10	1
	" new, how admitted into the Union	33	3	4
	State Judges bound to consider treaties, the Constitution and the laws under it, as supreme	34		6
	" each guaranteed a republican form of government, and the protection of U. S.	33	4	4
	Suits at common law, proceedings; amendments	37		7
T	Tax, direct, according to representation	23	2	1
	" capitation or direct, how laid	28	9	1
	" not laid on exports	28	9	1
	Tender, what shall be a legal	28	10	1
	Territory or public property, Congress to make rules concerning	33	3	4
	Titles from foreign States prohibited	28	9	1
	Treason defined, how established, punishment provided for	32	3	3
	Treasury, money drawn from, by appropriation	28	9	1
	Treaties, how made	30	2	2
	" State cannot make	28	10	1
V	Vacancies during recess, how filled	30	2	2
	" in the representation of a State, how filled	23	2	1
	Veto of the President, effect, proceedings on	26	7	1
	Vice-President, how elected	29	1	2
	" amendments	37		12
	" is President of the Senate	24	3	1
	" when discharge the duties of President	29	1	2
	" removed by impeachment	31	4	2
	Vote, &c. of one house requires the concurrence of the other	26	7	1
W	War, Congress to declare	27	8	4
	Warrants for search and seizure, when and how issued; amendment	36		4
	Witnesses in criminal cases; amendment	36		5
	Weights and measures, standard of	26	8	1
Y	Yeas and nays entered on journal	25	5	1

PART II.

INDEX TO THE CONSTITUTION AND ORDINANCES OF THE PROVISIONAL STATE OF DESERET.

		Page.	Sec.	Chap.
A	Animals when strays	105	3	13
	" when found in mischief		4,5	
	Arms, ammunition and spirituous liquors, sale of prohibited to the Indians	63	1	5
B	Books of Recorders to be indexed and free for examination	62	5	3

		Page.	Sec.	Chap.
C	Chancellor of Deseret University, powers of	59	3	2
	Church of Jesus Christ of Latter Day Saints, incorporation of	103		17
	Cities incorporated: Great Salt Lake	64		9
	Manti	81		14
	Ogden	74		13
	Parowan	95		16
	Provo	83		15
	City Creek Canyon, granted to B. Young	63		7
	Constitution of the State of Deseret	44		
	Convention minutes	44		
	Cows, when considered strays	105	3,5	18
D	Damages done by strays, how appraised and recovered	105	4,5	18
E	Estray pounds, how established	105	1	18
	" keepers of, how elected		2	
F	Fence viewers, how elected, duties of	197	6	19
	Fences, what are lawful		3	
	" to be kept in repair		4	
	" throwing down is trespass		5	
	Free schools	61	12	3
G	Government of State of Deseret, powers of, how divided	46		1
	" legislative authority, where vested	46	1	2
	" General Assembly of, when to sit		2	
	" Representatives, when and how chosen		3	
	" who eligible to be Representative		4	
	" Senators, when and how chosen	47	5	
	" " number of, how divided, term of office		6	
	" powers of each house		7,9	
	" members privileged from arrest		10	
	" adjournment of	48	11	
	" enumeration of inhabitants provided for		12	
	" oath of members		13	
	" the veto power vested, bills to be returned		14	
H	Horses, when considered estrays	105	3	18
I	Indians, selling of arms, ammunition or spirits prohibited	63	1	5
L	Lands, not enclosed	107	1	19
	" used for farming		2	19
	Laws, when to take effect	48	15	2
M	Mules, when considered strays	105	3	18
N	North Mill Creek Canyon, &c. granted to H. C. Kimball	64	1,2	8
	" Cotton Wood Canyon, granted W. Richards	73	1	12
O	Ox, when considered a stray	105	3	18
P	Poundkeeper, how elected, duties of	105	2	18
	" how located		1	
R	Recorders for counties, how elected	61	1	3
	" oath and bond		2	
	" duties as to transfers		3	
	" " as to town plots		4	
	" " as to keeping book and filing papers	62	5	
	Regents of Deseret University, number and how chosen	59	2	2
	" powers of	59	4	2
	" oath and bond of	60	6	2
	" may have seal	61	11	

		Page.	Sec.	Chap.
R	Representatives, number elected at the first election	48	16	2
	Roads located through farms, &c.; damages, how settled	59	8	1
	Road Commissioners for the State, how elected, term of office, oath and bond	57	2	1
	" duties of		2	
	" one road feasible, government instructs duty of	58	3	
	" shall make contracts		4	
	" of counties, how appointed, qualifications		5	
	" duties of		6	
	" powers of		7	
	Rock Spring, in Tooele county, granted to E. T. Benson	63		6
S	Secretary of University of Deseret, how appointed	60	5	
	" oath and bonds		6	
	" report of		13	
	Senator, number to be elected at the first election	48	16	
	Spirituous liquors, manufacturing and vending thereof regulated	108	1, 2	20
	Strays, what animals are	105	3	18
	Surveyor General, how elected	62	1	4
	" oath and bond		2	
	" duties of		3	
	" duties of general and county surveyor		4	
	Surveys to correspond with survey of Great Salt Lake		5	
T	Timber, control of, given to G. A. Smith, in the mountains west of Jordan	72	1	10
	" trespass on penalties for		2	
	" cutting of		3	
	" powers of proprietor in relation to cut		4	
	" proviso		5	
	" E. T. Benson's grant of, in the mountain and canyons leading into Tooele valley, &c.	73	1	11
	" trespass and penalties		2	
	" cutting, without permission		3	
	" powers of proprietor, &c.		4	
	" proviso		5	
	Treasurer of Deseret University, how elected and duties	60	7	2
	" oath and bond		8	
	" report of		13	
	Trespassers, who deemed such	107	5	19
	Twin Springs, in Tooele county, granted to E. T. Benson	63		6
U	University of Deseret, incorporation act	59		2
V	Vagrants, ordinance in relation to	108		21
	" who shall be deemed		1	
	" to be apprehended		2	
	" to answer complaint		3	
	" when declared, justice acts		4	
	" to work out costs		5	
	" duty in regard to suspected		6	
	" loafers considered		7	
W	Washington Monument, resolution concerning	No. 1.	109	

ORGANIC ACT.

	Page.	Sec.
An Act establishing a Territorial Government for Utah	111	
Attorney for said Territory, fees and duties	116	10
" how appointed	116	11
Appeals from supreme court, how allowed	115	9

		Page.	Sec.
B	Bills of exception may come before the Supreme Court	115	9
	Boundary of Utah Territory defined	111	1
C	Census taken previous to first election	113	4
	Clerks, how appointed	115	9
	" fees of	116	9
	Compensation of members of General Assembly	117	11
	Constitution and laws of the United States extend over the Territory	119	17
	Contingent expenses provided for	117	11
	Council, number of members, qualifications, how appointed	112-	
	" compensation of	113	4
	County officers, how appointed	117	11
	Courts, jurisdiction of	114	7
		115	9
D	Division of the Territory, in the power of Congress	111	1
	Delegate to Congress to be elected	118	13
	District Judicial defined	119	16
	" Courts to be held	115	9
E	Executive power, where vested	111	2
	Elections, how conducted, time and place of holding	113	4
F	Fees of clerks	116	9
G	Governor, powers vested in	111	2
	" how appointed	116	11
	" legislative power of	112	4
	" to appoint certain officers	114	7
	" salary of	117	11
J	Judicial power, in whom vested	115	9
	" Districts, number of	115	9
	" " how defined, may be altered	119	16
	Jurisdiction of courts and justices of the peace	115	9
	Justices, chief and associates, salary of, how appointed	116-	
		117	11
L	Lands, when surveyed, how disposed of	119	15
	Legislative Assembly to consist of	112	4
	" " to hold sessions as directed, &c.	118	12
	" power how vested	112	4
	" " defined	114	6
R	Representatives, number of, qualifications, how elected	112-	
	" compensation of	113	4
		117	11
S	Secretary, how appointed	116	11
	" duties defined	112	3
	" salary of		
T	Territory of Utah, its boundaries, may be divided	112	1
W	Writs of error and appeals shall be allowed	115	9

PART III.

INDEX TO THE ACTS OF THE LEGISLATIVE ASSEMBLY OF UTAH
TERRITORY, BY THEIR TITLES.

		Page.	Chap.
A	Acts and Resolutions: an act prescribing the time when they begin to be in force	264	69
	Acknowledgment of instruments of writing, an act in relation to	271	75
	Adjutant-General of Nauvoo Legion and others, an act appropriating money to	230	86
	American Creek, an act in relation to the waters of	229	43
	Animals running at large, an act concerning certain	247	56
	Appropriation bill, territorial	298	96
	“ “ general	298	97
	Attachment and capias, an act governing writs of	146	9
	Attorneys, an act for the regulation of	138	6
	Auditor of Public Accounts, an act to provide for the appointment of	179	30
B	Big Canyon creek road, an act for the improvement of	228	42
	“ “ road company, an act to incorporate	234	90
	Bridging ditches or sects, an act providing for	206	34
	Bridge across Jordan river, an act granting to Charles Hopkins and others the right to build	243	53
	Bridges across Weber and Ogden rivers, in Weber county, an act granting to James Brown the right to erect	232	89
	Bridge across Weber river, an act granting to A. Wardsworth and others the right to erect	251	60
C	Canal from Utah Lake to Great Salt Lake, a preamble and act in relation to the construction of	265	70
	Carson County, an act defining the boundaries of, and providing for its organization	261	65
	Carson Canyon and river, an act granting to O. Hyde and others the right to make road and erect bridges	285	91
	Charters of certain cities, an act amending	287	93
	Civil cases, an act regulating the mode of procedure in	132	3
	Code Commission, an act creating the office of, and prescribing the duties	229	44
	Compilation and revision of the laws in force in Utah Territory, their publication and distribution, an act in relation to	289	95
	Constables, an act relating to duties of	261	66
	County Surveyors, an act pertaining to the duties of	176	27
	County Treasurer, an act to create the office, and define the duties of	188	31
	Counties, an act defining the boundaries of	224	39
	Cottonwood Canal Company, an act incorporating	277	83
	Crimes and punishment, an act in relation to	132	32
D	Davis County, an act locating the county seat of	223	37
	“ “ defining the eastern boundaries of	259	63
	“ “ attaching a portion to G. S. L. County	279	35
	Decedents, an act in relation to the estates of	149	12
	Deseret Iron Company, an act to incorporate	235	49
	Divorce, an act in relation to bills of	162	18
	Driving of animals, an act regulating	262	67
E	Educational purposes, an act appropriating money for	275	79
	Ejectment, an act in relation to writs of	148	11
	Elections, an act regulating	232	47

		Page.	Chap.
F	Fish, an act to prevent the needless destruction of	234	48
	Ferries across Green River, an act granting to D. H. Wells the right to erect and control the same	223	50
	“ on Ham's Fork river, an act authorizing the erection of	244	54
	“ across Bear river, and bridge across the Malad, an act concerning	245	55
	“ and bridges on Weber and Bear rivers, east of the Wasatch mountains, an act concerning	267	72
	Flax, hemp and tame sunflower seed, an act to encourage the raising of	274	77
	Fortifications, an act concerning	269	74
G	Green River County, an act defining the boundaries and providing for the organization of	259	63
	Ground for Herding, an act granting to H. C. Kimball, J. M. Grant, and Samuel Snyder, and their associates the right of	275	78
	Guardians, an act in relation to	159	16
H	Habeas Corpus, an act in relation to writs of	141	8
	Herdsmen, herding, and herd grounds, an act regulating	262	67
	Herd Ground in Utah county, an act granting to Miles and Franklin Weaver	267	80
I	Indian slaves and prisoners, a preamble and act for the further relief of	171	24
	Indians, an act in relation to the assembling of	174	25
J	Jordan Bridge in Great Salt Lake City, an act in relation to	278	82
	Juab and San Pete counties, an act altering and defining the boundary line between	276	81
	Judiciary, an act in relation to	12	1
	Justices of the Peace, an act in relation to	129	2
L	Laws of Utah, an act containing provisions applicable to	260	64
	Library of Utah, an act in relation to	177	28
M	Masters and apprentice, an act concerning	156	14
	Marks and brands, an act in relation to	168	19
	Militia of U. T., an act to provide for the further organization of	207	35
	Militia, an act in relation to, approved Dec. 23, 1852	231	46
	“ “ “ “ June 1, 1853	250	53
	Millard county, an act to provide for the organization of, and to name the seat of government	224	38
	Minors, an act in relation to	158	15
N	Notaries public, an act concerning	169	23
O	Official term of certain officers, and providing for vacancies, an act prescribing	264	68
P	Passing and meeting of teams on the public highway, an act regulating	163	20
	Penitentiary, an act in relation to	272	76
	Probate Judges, an act electing	231	45
	Profanity and drunkenness, an act in relation to	169	22
	Property, an act providing for the management of certain	266	71
	Provo canal and irrigation company, an act to incorporate	238	51
	“ manufacturing company, an act to incorporate	241	52
	“ Kanyon Road Company, an act to incorporate	281	88
R	Recorders, an act in relation to county	271	75
	Religious meetings, or lawful assemblies of the people, an act to provide against the disturbing of	153	21
	Replevin, an act concerning writs of	147	10
	Representation of U. T., an act apportioning the	179	29

		Page.	Chap.
S	Schools common, an act in relation to	287	94
	Selectmen, an act creating the office of, and prescribing the duties of	136	4
	Service, an act in relation to	160	17
	Sheriffs, an act relation to	261	66
	Spirituous liquors, an act in relation to the inspection of	222	36
	Surveyors and surveying, an act to regulate	174	23
	Summit County, an act defining the boundaries, and providing for the organization of	259	63
T	Tax, an act prescribing the manner of assessing and collecting territorial and county	252	61
	“ an act in relation to the assessment, collection and expenditure of, for roads and other purposes within incorporated cities	250	59
	“ delinquent territorial of San Pete county, an act in relation to	286	92
	Tooele County seat, an act locating	279	84
	Treasurer, Territorial, an act to provide for the appointment of	179	30
	Transfer of land claims and other property, an act concerning	268	73
	Trespass and damage, an act defining what is	154	13
U	United States Courts for U. T., an act relating to	258	62
W	Waters from Mill Creek, an act granting the control of to W. Richards	227	40
	Waters of Mill Creek, an act granting unto B. Young	227	41
	Waterworks Association of G. S. L. City, an act to incorporate	248	57
	Weber County, an act to attach a portion of to Davis county	279	85
	Weber Canyon Road Company, an act to incorporate	231	87

PART IV.

INDEX TO INCORPORATED CITIES.

		Page.	Chap.
A	Alpine City, an act to incorporate	372	12
C	Cedar City, “ “	300	1
E	E. T. City, “ “	380	13
F	Fillmore City, “ “	314	3
G	Great Salt Lake City, an ordinance to incorporate	64	9
L	Lake City, an act to incorporate	450	9
	Lehi City, “ “	207	2
M	Manti, an ordinance “	81	14
N	Nephi, an act “	321	4
O	Ogden, an ordinance “	74	13
P	Palmyra, an act “	343	8
	Parowan, “ “	95	16
	Payson, “ “	332	6
	Pleasant Grove, an act “	258	10
	Provo, an ordinance “	83	15

	Page.	Chap.
S Spanish Fork, an act to incorporate	265	11
Springville, an act "	225	5
T Tooele City, in Tooele county, an act to incorporate	339	7

PART V.

INDEX TO RESOLUTIONS BY THEIR TITLES.

	Page.	No.
B Brands, resolution concerning	395	15
C Carson County, resolution apportioning a representative	333	21
Coal, resolution offering a reward for the discovery of a bed of, near	333	11
G. S. L. City	390	5
Communications, resolution in relation to on civil and military matters	396	19
Courts, resolution specifying the time of holding the U. S. C. in the several judicial districts	399	26
D Deseret Iron Works, resolution in relation to	399	24
Deseret News office, resolution appropriating money to		
G Government of U. T., joint resolution locating the seat of	388	2
Green River and G. S. Lake counties, resolution in relation to the representation of	394	13
J Judges, U. S. for Utah, resolution assigning to the several judicial districts	393	22
L Laws of Utah, resolution in relation to arranging and compiling of	394	14
" the Provisional Government of the State of Deseret, joint resolution legalizing	388	1
Legislative Assembly, resolution exempting the members of, from arrest and summons during the sitting of, and while going to and from	393	12
Legislative Assembly, resolution for convening	399	25
Library, Utah, joint resolution in relation to	389	3
" " resolution "	397	20
" " " concerning	399	25
M Marks, resolution concerning	395	15
McPherson William, resolution to change the name of, to William Mac	392	9
Measures, resolution in relation to	391	6
P Payson, resolution to extend the jurisdiction of the municipal authority of	400	27
Penitentiary, Utah, resolution electing the officers of	393	23
Powder, resolution for the encouragement of the manufacture of	331	7
Property, resolution in relation to the exemption of, from execution	393	10
S Selectmen or referees, resolution in relation to the election of	290	4
T Taxes, resolution in relation to certain delinquents	395	17
Territorial road, resolution in relation to, in G. S. L. City	396	18
" " " appropriating money to be laid out on, in Weber county	400	28
Territorial Road Commissioner and others, resolution appropriating money to	395	16

			Page-	No.
University,	"	"	for five thousand dol-	
			lars for	415 16
Utah Territory,	"	"	for a geodetic survey in	406 7

PART VII.

INDEX TO UTAH LAWS BY PARAGRAPHS.

			Page.	Chap.	Sec.
A	Attorneys, who may act as		138	6	1
	" duties of		139		5
	" cannot collect fees for services				2
	" not use improper language				3
	" Judge may prohibit from pleading				3
	" General, how elected, term of office, bonds, &c.	140	7		4
	" duty of				5
	" District, how elected, term of office, bonds, &c.	141			6
	" " duties of				7
	" Prosecuting, how appointed, bonds, &c.				8
	Attachment, writs of, when issued, how obtained	146	9		1
	" bail taken and property released				2
	" notice to defendant				2
	" defendant to recover damage				3
	" may be had on the goods of non-residents	147			5
	American Creek, waters of, taken to Dry Creek Settlement	229	43		1
	Animals, certain ones running at large, forfeited	247	56		1-2
	" who may take up	249			6
	" driving of, when not in ones care	263	67		6
	" to be branded when driven into this Territory				7-8
	" maiming of	200	32		101
	" cruelty to	188			37
	Auditor of Public Accounts, how elected, term of office	264	68		1
	" vacancy, how filled				2
	" " how elected, term of office	170	30		1
	" " to give bonds, &c.				5
	" " duties of				6
	" " territorial officers to report to				7
	African, if white person have sexual intercourse with, punishment	161	17		4
	Appropriation bill, \$2500 for educational purposes	275	79		1
	" " " B. Young to superintend				2
	" " \$500 to Adjutant-General	280	86		1
	" " \$400 to Auditor of Public Accounts				2
	" " \$500 to Surveyor-General				3
	" " \$200 to Territorial Treasurer				4
	" " \$98 to T. B. Foote	298	96		1
	" " \$437.50 for premiums	247	77		1
	" " general	298	97		1
B	Bridges, across Jordan, right granted to Charles Hopkins and others	213	53		1
	" " stock in, amount of shares, &c.	244			2
	" " comm't. accounts of company,				
	" " order of business				3
	" " each share to have one vote				4
	" " Territorial Commissioner to accept				5
	" " tolls, city council of Lehi to fix				6
	" " grant, terms of				7
	" " near G. S. L. City, territorial right				
	" " ceded to G. S. L. City	277	82		1
	" " ditches, sects, &c. who shall make	206	34		1

		Page.	Chap.	Sec.
B	Bridges across ditches, sects, &c. when supervisor shall make	207		2
	" Malad, Joseph Young and others to build	247	55	6
	" toll rates of			6
	" restrictions			7
	" Young and others, failure of, Govern- or to appoint one to estab- lish			8
	" old charter repealed			9
	" Weber, right granted to A. Wardsworth and others	251	60	1
	" road kept in good repair			
	" toll rates of			2
	" " one half to residents	252		3
	" till completed grantees may use ferry			5
	and road to be accepted by Territorial Com- missioner			4
	" " to become territorial property			4
	" Weber and Bear rivers east of moun- tains, right to B. Young	267	72	1
	" intrusions on said right, penalties for			2
	" P. H. Young and B. H. Young, grant to, repealed	268		3
	" Weber and Ogden rivers, right to, granted James Brown	282	89	1
	" specifications of, rates of toll, &c.	283		1
	" " " to resi- dents			2
	" how built, when turned to the terri- tory, road across flats, &c.			3
	" other persons erecting or establish- ing, liable			4
	" bonds and liabilities of James Brown	284		6
	" former grants to James Brown re- pealed			7
	" Carson river, O. Hyde and others re- quired to make	285	91	1
	" county court powers in relation to			1
	" and ferries, no one to make without legal au- thority	286		2
	" the company to pay ten per cent. into the P. E. Fund			3
	" and road turned over to the territory			5
	" bonds and liabilities of the com- pany			4
	Big Kaayon Creek road, Territorial Commissioner to locate, &c.	228	42	1
	" " " to let contracts			2
	" toll gate on			3
	" rates of toll			4
	" road company incorporated, terms of, &c.	284	90	1
	" name and style of, elect officers, make by-laws			2
	" G. S. L. county court powers res- pecting	285		3
	" bonds and liabilities of company			4
	Courts Supreme, when held	258	62	1
O	Courts District, jurisdiction of (see page 132, chap. 3, sec. 1)	120	1	1
	" may adopt rules	121	1	7
	" technical forms of actions and pleadings abolished			7
	" pleadings, when deemed sufficient			8
	" demur to			8

	Page.	Chap.	Sec.
Courts pleadings, amendments, when allowed, lost papers	121	1	9
“ non-suit—dismissal—withdrawal	122		11
“ costs, how apportioned			12
“ parties may present an agreed statement			14
“ how presented			15
“ judgment, validity of			16
“ contempts of, how punished			19
“ may enforce orders	135	3	24
“ appeals from the decisions allowed	136		25
“ must keep its records and papers open for inspection	133		9
“ may adjourn			5
“ in civil cases, general procedures	132	3	
“ “	133	5	
“ judges of, to report to Legislature	120	1	4
“ their decisions			5
“ any person may act as	121	1	10
“ conservators of the peace	128		43
“ not disqualified for cause	122		18
“ may be objected to	135	3	22
“ Clerks or—duties	120	1	3
“ “	121		6
“ “	122		13
“ “	125		31
“ “			33
“ 1st, 2nd and 3rd districts designated	258	62	1
“ sessions of, when legal			3
“ special sess ons, how called			4
“ Probate, jurisdiction of (see page 132, chap. 3, sec. 1)	123	1	23
“ powers of—rules and regulations	124		29
“ regular sessions of			25
“ times of holding may be altered			26
“ appeals from, how taken			30
“ “	136	3	25
“ proceedings on appeals from J. P.	131	2	12
“ divorce and alimony—jurisdiction in	162	18	1
“ judges of, how elected—term of office—how			
“ quality	123	1	23
“ vacancy, how filled	124		24
“ jurisdiction of wills and administra-			
“ tions on estate of decedents			27
“ names and election of term of office	231	45	1
“ vacancies, how filled			2
“ to call special sessions of county court	257	61	21
“ clerk of, who shall appoint, duties of	125	1	32
“ duties of, in cases of appeals			31
“ to report to secretary, crimes, misde-			
“ meanors. &c.			33
“ County, who forms — powers of, &c.—office, where			
“ kept, &c.	126	1	34
“ duties and general business of			35-36-
“ “			37
“ to control timber, &c.	127		33
“ quorum—powers of select men, &c.			39
“ to create districts, select jurors, &c.			40
“ annual sessions of			41
“ how raise funds	127	2	42
“ may inc. number of J. P. and court in precincts	129	2	1
“ duties of, respecting fortifications	269	74	1
“ to examine assessment roll—judge of delin-			
“ quences	256	61	15
“ to appoint county treasurer	181	31	4
“ Civil—procedure in—jurisdiction of	132	3	1
“ complaint, how made	133		2
“ contents of	136		27
“ notice of	133		3
“ “ service and proof			4
“ parties not ready, court may adjourn			5
“ must combine all demands	131	2	14
“ demands, when not admitted	133	3	5

	Page.	Chap.	Sec.
C Courts Civil, answer of defendant	123	3	6
“ contents of	136		27
“ procedure—evidence, order of	133	3	6
“ parties may speak			6
“ to enforce judgment			7
“ officer to execute order			8
“ shall preserve its records, &c.			9
“ trials where held	134		10
“ jury may be had			11
“ challenge of jurors			12
“ oath to jurors			13
“ non residents—their property, &c.			14
“ transient and fraudulent persons — property			
“ seized	135		15
“ depositions when taken in evidence			16
“ may require bail			17
“ sale of property—notice of, &c.			18
“ orders of, executed with diligence			19
“ who may sue			20
“ may appoint guardians			21
“ may be objected to			22
“ officer may take property			23
“ may enforce its orders			24
“ appeals when taken	136		25
“ of J. P. and Judge of Probate, always open			26
“ omissions when accidental may be taken in			27
“ vexatious suits, how disposed of			28
“ executions may be staid—conditions of stay	135	5	1
“ time of stay on different sums			2
“ security for, stay of, becomes one of			
“ the defendants			3
“ property of—principal first taken			3
Constables—how elected	129	2	1
“ term of office—who commissioned by			2
“ justice may deputize	132		17
“ jurisdiction of in criminal cases	130		6
Capias, when may be served	146	9	4
“ how long a person is held by	147		
Counties---Davis, county seat of, where located	223	37	1
“ name of	224		3
“ court to designate site and cause survey	223		2
“ Millard, boundary of	224	38	1
“ how organized			2
“ the seat of territorial government in			3
“ the name of			3
“ Weber, boundary of	39		1
“ a portion of attached to Davis	230	85	2
“ Davis, boundaries of	225	39	2
“ eastern boundary	260		4
“ a portion of attached to G. S. L.	279	85	1
“ Desert, boundaries of—attached to Weber	225	39	3
“ Green River, boundaries of—attached to G. S. L.			4
“ “	259	63	1
“ when and how organized			2
“ how organized			4
“ G. S. Lake, boundaries of			5
“ islands attached to			6
“ Utah, boundaries of			7
“ Tooele, “	226		8
“ Juab, “			9
“ Juab and San Pete boundary between designated	276-7	31	1-2
“ Millard, boundaries of			10
“ San Pete, “			11
“ Iron, “			12
“ Washington, “ attached to Iron			13
“ Summit, “ attached to G. S. L.	259	63	3
“ Carson, “	261	63	1
“ probate judge, the Governor to appoint			2

	Page.	Chap.	Sec.
C Counties—Carson, probate judge to organiza	261	65	2
“ Tooele county seat where located	279	34	1
“ by whom			2
“ name of			3
Charters of G. S. Lake, Ogden, Provo, Manti, and Parowan cities amended	287	93	
Commissioner, Territorial, how elected—vacancy, how filled	264	68	1-2
Canal from Utah Lake to G. S. Lake—who locate and receive funds	265	70	1
“ costs of, to be estimated			2
“ dam guard, locks, &c. to be made			3
“ claims by whom apportioned	266		4
“ com. of duties			5
“ to report to Governor			6
“ commissioners—vacancies who may fill	266	70	7
“ land on reserved			4
“ water privileges reserved			5
“ surveying expenses how paid			7
“ Cottonwood Company incorporated	277	83	1
“ powers of	278		2
“ right of			3
“ the control of water			4
“ land privilege of			5
“ to prevent damage, build bridges, &c.			6
“ to refund moneys advanced by Territory or individuals	279		7
Children deceased—estate falls to parents	153	12	26
Code commission—office of, created—term of office	229	44	1
“ members of, how appointed—vacancies, how filled			2
“ when the council may elect			3
“ oath of	230		4
“ duty of			5
“ compensation of — may provide necessities			7
“ keep journal—report to Gov. and L. Assembly			8
“ Gov. and other officers to give information to			6
Crimes, where trials for may be had	226	39	14
TITLE I.			
Crimes and punishment—treason, what is—punishment	182	32	1
misprision of			2
witnesses			3
TITLE II.			
murder, 1st degree			4
wilful defined			5
2nd degree, punishment for			6
manslaughter	183		11
jury to find the degree			
when tried on indictment	182		7
court determine when convicted on confession			7
duel, when murder			8
when not murder, punishment of			9
any person vex another for not fighting			10
mayhem—punishment of			12
robbery			13
“	184		14-15
rape—punishment of	184	32	16-18

	Page.	Chap.	Sec.
G Crimes and punishment—rape, testimony upon trial for	205		122
marry a woman compelled against			
her will	184		17
abduction of female minor—punish-			
ment			19
child stealing—punishment			20
seduction “	185		21
false imprisonment, &c.			22
expose or abandon a child			23
cause another to do an unlawful act			24
assault to murder			25
“ commit rape	186		26
“ robbery			27
“ an injury			28
“ any other felony			29
any other assault or assault and bat-			
tery			31
any person poison food, &c.			30
TITLE III.			
adultery, penalty, prosecution, by			
whom commenced			32
lewdness	187		33
house of ill fame—punishment			34
enticing females to			35
testimony upon trial	205		122
dislittering the dead, or exposing their			
remains	187		36
cruelty to animals	188		37
obscene books			38
gaming house—penalty for keeping			39-40
obligations for void			41
TITLE IV.			
arson and other burning			42
“ “			43-44
“ “ attempt to			45
“ “ of other prop-			
erty			46
married women, the preceding sects.			
extend to			47
burglary with intent to rob			48
if armed or has aids	190		49-50
breaking open warehouse			51
TITLE V.			
larceny defined—penalty	190	32	52
in alarm of fire	191		53
by false personation			54
by finding property			55
embezzlement of public funds—pen-			
alty			56
of other property			57
accessory to			58
convictions, 2nd and 3rd, how con-			
sidered			59
accessory liable, though the principal			
has not been conv.	192		60
value of books, &c. ascertained			61
TITLE VI.			
forgery and counterfeiting defined—			
penalty			62
to utter as true any false record, &c.	193		63

	Page.	Chap.	Sec.
C Crimes and punishments--to utter any notes or public documents			64
any issue of any corporation, State or Territory			65
any person have in his possession, &c.			66
offer to pass any bond, &c.			67
engrave, make, &c. for counterfeiting	194		68
gold coin of \$20 or more			69
less than \$20			70
connecting parts of bank bills, &c.	195		71
fictitious signatures is			72
partial erasures of signature			73
2nd and 3rd convictions			74
any person having in possession dies, &c.			75
gold or silver coin of other countries	196		76
the seal of the Territory			77
TITLE VII.			
Perjury defined			78
subornation--how punished			79
subornation, attempt to			80
bribe, attempt to	197		81
an officer receive any			82
an officer, any person			
convicted of			83
offer to a juror			84
any person receive a			85
marshal or other officer receive and			
delay duty	198		86
officer neglect duty and criminal escape	198 32		87
misprision of felony for reward in capital cases			88
misprision for felony for reward not criminal cases			89
jailor suffer prisoner to escape in criminal cases			90
other officers suffer prisoner to escape when upon a charge of public offense	199		91
any person aid prisoner to escape, or attempt			92
prisoner escape			93
resisting an officer			94
refusing or neglecting to assist officer			95
baratry			96
misdemeanor	200	97-9-9	
false returns of officers			100
TITLE VIII.			
maiming animals			101
land marks, altering of			102
goods, destroying of, digging pits &c.	201		103
TITLE IX.			
provisions and liquors, selling unwholesome			104
drugs, adulterating of			105
poisons, selling of			106

	Page.	Chap.	Sec.
TITLE IX.			
Crimes and punishment—medicines, administering unknown	202	32	107
“ if patient die, is man-slaughter			107
travelling companies and individuals exempt	203		107
TITLE X.			
affray			103
riot			103
TITLE XI.			
lawful resistance			110
“	204		111
homicide, justifiable			112
“ “ not when com.			
“ “ through fear			113
“ “ may consist			
“ “ in necessity			115
officer kills when justifiable			114
when kills unfortunately			116
TITLE XII.			
felony and misdemeanor, prosec. for			
how commenced	205		117
no person subject to second trial for			118
definition of terms and constructions in law			119
arrest when a private person may	205	32	120
accessory before the fact, after the			
fact			121
testimony upon trial for enticing a			
female for rape			122
ball and chain, court may direct			
convict to wear	206		123
conviction &c. for crime, no bar to			
civil suit for damage			124
punishment by death, mode of			125
Criminal proceedings may commence before J. P.	129	2	5
Criminals brought before the magistrate who issues a warrant	130		7
Depositions when taken in evidence	135	3	16
D Decedents, estate may be disposed of by will, or devised	149	12	1
“ “ personal property disposed of by verbal will	150		2
“ wills of, must be witnessed			2
“ posthumous children shall inherit			3
“ wills written where deposited			4
“ “ duty of persons holding			5
“ “ when proved and allowed, how disposed of			6
“ “ executors entitled to a copy			7
“ non-residents, executors of may be appointed			
and qualified	151		8
“ administration, how and to whom granted			9
“ executors, bond and oath of			10
“ “ special may be appointed			11
“ “ to make inventory			11
“ “ to render account to court	154		30
“ “ discharge of			31
“ court may prescribe rules for winding up the af-			
fairs	151		12
“ estate property of appraised			13
“ “ what reserved for family			14

	Page.	Chap.	Sec.
Decedant's estate, property of, Homestead of family	153	12	24
“ “ delivered to executor	151		15
“ “ court may direct the sale of	152		16
“ “ sale either public or private			17
“ “ real, of conveyance of			18
“ “ when sold on a credit			19
“ “ administration and other charges, when paid			20
“ widow and minor children, allowance for			21
“ creditors must give notice of claim			21
“ “ distribution made for the payment of			22
“ estate, property of, distribution made for payment of shares	153		23
“ “ “ children or their heirs to have equal shares			24
“ “ “ illegitimate children and their mothers			25
“ “ “ given by way to advancement of an heir			27
“ contracts, executors to complete	154		29
“ “ proceedings of courts on, previous to this act			32
Divorce, probate courts have jurisdiction in &c.	162	18	1
“ petition for, how made			2
“ causes for which may be granted	163		2
“ husband may obtain for same cause as wife			3
“ decree for, may be deferred			4
“ defendant has a right to be present			5
“ children and property, how disposed of			6
“ “ “ “	159	16	2
“ rights obtained by marriage forfeit	164	18	7
“ any person seeking to a separation, fine and punishment			8
Drunkenness, fine for	169	22	2
Deseret Iron Company incorporated	235	49	1
“ “ power and term of			2
“ “ shares, amount of			3
“ “ stock may be increased			4
“ “ certificate of stock			5
“ “ votes of stockholders, how graduated	236		6
“ “ stockholders may vote by proxy			11
“ “ officers of			7
“ “ to give bonds and security	237		14
“ “ president, secretary, and treasurer, term of office	238		8
“ “ trustees, term of office			9
“ “ directors, powers of			10
“ “ now in operation, acts valid			12
“ “ 1st meeting, when to be held			13
“ “ books of	237		15-16
“ “ banking powers not granted			17
E Ejectment, writs of, how obtained	148	11	1
“ “ duties of court in relation to	149		1
“ “ occupant, how dispossessed			2
“ “ justice of peace may issue			3
Election, general, when held	232	47	1
“ “ notice of			2
“ “ judge and clerk, how chosen			3
“ “ hours of voting, where electors may vote	233		4
“ “ manner of voting			5
“ “ judge of, shall transmit to county court ballot box and list			6
“ “ counting and preservation of votes			7
“ “ county clerk to make abstracts, and give certificates to county and precinct officers			8
“ “ secretary to examine abstracts and give certificates to territorial officers			9

	Page.	Chap.	Sec.
Election, general, inquiry instituted when returns are not made	233	47	10
“ “ contested elections, proceedings in	234		11-13
“ “ ties, who shall decide			12
“ “ vacancies in territorial, county, and precinct offices how filled			14
“ “ officers of, compensation, punishment for fraud &c.			15
“ “ electors, who are			16
Executions, exemptions from	122	1	20-1-2
“ may be staid	138	5	1
“ “ different sums, times of			2
“ “ security for &c.			3
Funds, for special county purposes, how raised	128	1	42
Ferries across Green river, right granted to D. H. Wells	237	50	1
“ rates of toll			2
“ not required to run during high water	238		3
“ grantee to furnish safe boats, liabilities for damages			3
“ to pay ten per cent of proceeds to P. E. Fund			4
“ fails, the gov. to appoint another			5
Ham's Fork, right granted to Joseph Busby	244	54	1
“ terms of grant	245		1
“ rates of toll			2
“ grantee to give bonds			3
“ in high water, not required to run			4
“ grantee fails, gov. to establish			4
Bear river, right granted to Joseph Young and others	246	55	1
“ bonds and security			2
“ terms of grant			3
“ rates of toll			4
“ restrictions			5
“ Weber and Ogden, James Brown may establish	284	89	5
Flax seed, premium for raising	274	77	2
Fortifications, duties of county court concerning	269	74	1
“ locating committee, how appointed	268		1
“ duties of			2
“ assessor and collector, how appointed	270		2
“ duties of			3
“ superintendent, how appointed	269		2
“ duties of	270		4
“ officers, how qualify			5
“ previous payment or labor allowed			6
“ this act not to interfere with corporate bodies			7
Fisheries, the county court to have jurisdiction of	234	48	1
Fines to be paid into the county treasury	130	2	10
Guardians, temporary courts may appoint	135	3	21
“ for minors, orphans &c., selectmen to appoint	137	4	3
“ who are natural	159	16	1
“ may be appointed			2
“ to manage property			4
“ minors when 14 years of age may select			5
“ must give bonds and security			6
“ make inventory of property, powers of			7
“ may sell minor's property			8
“ make conveyances of property	160		9
“ may be dismissed and another appointed			10
“ account to court on oath			10
“ deliver minor's property to new guardian			11
“ compensation of			12

	Page.	Chap.	Sec.
Guardianship of minor child, when taken from parents	157	14	9
Great Salt Lake City Water Works, Association, incorporated, powers of	248	57	1
“ business of, how conducted	249		2
“ capital stock, how divided			3
“ book kept, election of officers &c.			4
“ malicious injuries to works	250		5
H			
Hemp lint, premiums for raising	274	77	3
Herdsmen, how qualify, how obtain license &c.	262	67	1
“ responsibilities of	263		4
Herdgrounds, county court to designate, surveyor to plat and give boundaries			2
“ no previous rights infringed upon			3
“ improvements all that can be transferred			5
“ grant to H. O. Kimball and others	275	78	1
“ M. and E. Weaver, boundaries of	276	80	1-2
“ privilege of citizens on			3
Habeas Corpus, writs of, petition for how presented	141	8	1
“ condition on which granted	142		2
“ what court may grant			3
“ where application must be made			4
“ how shall appear when awarded			5
“ form of			5
“ when disallowed, reasons returned			6
“ endorsement of	143		7
“ may be issued without application			8
“ who may serve it			9
“ how serve it			10
“ on whom served			11
“ defendant to may be arrested			12
“ not be disobeyed for defect of form	144		13
“ service made, defendant must appear			13
“ must have the body of plaintiff			13
“ for failure to comply with			14
“ defendant's answer to			15
“ judge for failure to award			16
“ plaintiff retained in custody			17
“ may be absent			18
“ proceedings of the court on	145		19
“ disobedience to order, punishment			20
“ officer refusing a copy of process			21
“ recognizance of sureties and witnesses			22
“ penalties incurred by this act no bar to civil suits for damage			23
Insane persons, selectmen to provide for maintenance	137	4	3
Idle children “ may bind out			3
Indian slaves and prisoners, selectmen or probate court bind	173	24	1
“ name and age to be written in the indenture			2
“ selectmen may obtain and bind out			3
“ master of, to send to school, clothe &c.			4
Indians, the assembling of, to the annoyance of citizens	174	25	1
Judges and justices, not disqualified for cause	132	1	18
Justices of the peace, when and how elected	129	2	1
“ to give bonds, term of office, who commissioned by			2
“ duties of			3
“ jurisdiction of			4
“ extent of	131		13
“ in criminal cases, warrants served in any county	120		6
“ on conviction of criminal, make certificate			10
“ judgment and powers of, in criminal cases			9
“ may act as arbitrator	131		13

	Page.	Chap.	Sec.
Justices of the Peace must transmit all records &c. to successor	132	2	16
“ business of, proceed by another without transfer			16
“ to act as coroner			18
“ jury may be had, number of, how empanelled	130		8
“ verdict of, entered in docket			9
“ fees of, in civil cases, when and by whom paid	131		15
“ how proceedings may cease			14
“ vexatious suits, how disposed of	132		9
“ may deputize constable			17
“ issue writs of replevin	148	10	4
Jury, how summoned, number of	134	3	11
challenge of			12
oath to			13
may be had before J. P.	130	2	8
Jurors grand and petit for counties—who shall select	127	1	40
Liquors—the office of territorial inspector created	222	36	1
who shall appoint	223		2
duties of			4
shall be inspected before offered for sale			3
Sykes hydrometer; the standard of			5-6
selling when not inspected, penalty			7
Lands, re-survey, when may be had	272	75	5
Language, construction of, in law	205	32	119
“ “	260	64	4
Law suits, vexatious, how disposed of	132	2	19
“ “	136	3	28
Laws, the compilation, revision and publication of—what valid, what not valid	289	95	1
list of acts, resolutions and memorials for publication	290		2
E. M. Greene appointed a committee of compilation	296		3
number of copies ordered published	297		4
other matter to be incorporated with			4
number of journals to be published			5
and journals the Secretary to distribute			6
Law questions decided by the court—what may be cited on trials	260	64	1
reports, decisions, &c. no precedent			1
repeal of, does not revive one repealed by it			2
how construed			3
construction of language in			4
acts in force from date of publication	264	69	1
Library, Utah—librarian of, how elected	177	28	1
how qualify, term of office, may appoint deputy			2
duty of			3
“	178		4
to be kept at the seat of government, who use the books			5
Librarian may let books, keep an account of his doings			6
report to Legislature			6
compensation and expenses			7
Marshal, how elected—term of office—bonds, &c.	140	7	1
“ may appoint deputies—may remove them			2
“ duty of, and of deputies			3
Master and apprentice—idle, vicious and vagrant children bound out	156	14	1
“ indentures, specifications of			1
“ how dissolved	157		7
“ must be observed			10
“ powers of	156		3
“ duties of			6

		Page.	Chap.	Sec.
M	Master, duties of those who bind out minors	156	14	4
	of select men towards minors			2
	apprentices, when may be discharged			5
	“ master may discharge them	157		6
	“ duties of	156		6
	“ agreements or indentures made in			
	other States and held inviolate	157		8
	“ guardianship, when taken from parents			9
	“ minors must be sent to school	158		11
	Master—duties towards servants, and servants towards master	161	17	5
	“ may correct servants when necessary			6
	“ for cruelty, abuse, or neglect shall forfeit his right			6
	“ may transfer his right	162		7
	“ may not transfer contrary to the provisions of this			
	act, penalty			8
	“ must send servant to school			9
	Minors—when obtain their majority	158	15	1
	“ contracts of, bound by			2
	“ wherein may not disaffirm			3
	“ contracts for personal service, when payment is made			4
	Marks and brands—general office of, where kept	164	19	1
	“ recorder of, how elected			1
	“ auxiliary offices established			2
	“ record of, kept by general recorder			3
	“ application, for where made, &c.	165		4-6
	“ printed copies furnished each co.			5-6
	“ county clerk to report applications for			6
	estrays having marks or brands, how dis-			
	posed of			17
	“ “ “	167		13
	“ reversed when sold	166		8
	“ altering defacing, &c. penalties for			8
	“ duties of pound keepers			9
	“ “ and all other public officers			10
	“ fees of clerks			11
	“ to be classed	167		12
	“ recorder to furnish printed sheets			15
	“ penalties of officers for neglect of duty			14
	“ repeal of former acts			16
	“ animals running on the range			17
	Mill Creek, waters of, granted to W. Richards	227	40	1
	“ “ B. Young		41	1
	Militia, \$3000 appropriated for public buildings for	231	46	1
	“ \$1000 “ to mount ordnance	232		2
	“ \$1000 “ for military school			4
	“ quartermaster to carry into effect this act			3
	“ H. B. Clawson appoint agent to erect public buildings	250	58	1
	“ authorised to make contracts			2
	“ of the territory, what styled	207	35	1
	“ “ by whom commanded	207	35	2
	“ “ officers of, who commissioned by	218	35	58
	“ “ how elected			60
N	Nauvoo Legion, the militia of the Territory to be styled	207		1
	“ by whom commanded			2
	“ organization of	222		3
	“ how divided	211		26
	“ lieut. general, staff of	207		4
	“ powers of	222		78
	“ vacancy of, how filled	207		2
	“ adjutant general, department of	208		5
	“ “ duties of	209		14-17
	“ “ to perform the duties of			
	inspector general	221		74
	“ commissary department	208		6
	“ quartermaster general department			7
	“ duty of, &c.	222		76
	“ paymaster general department	208		8

	Page.	Chap.	Sec.
Nauvoo Legion, surgeon general department	208	35	9
“ color department			10
“ music			11
“ sergeant major and quartermaster sergeant			
“ to each regiment			12
“ staff department	209		13
“ officers, how appointed			16
“ heads of departments, how appointed			15
“ duties of			18
“ divisions and brigade inspectors, how appointed			16
“ military store keepers			16
“ adjutants and commissaries			16
“ commanders of departments, duties of			19
“ districts, reports of	221		73
“ divisions how officered	210		20
“ brigades			21
“ regiments			22
“ battalions			23
“ companies of cavalry	211		24
“ of artillery			25
“ districts, how commanded	212		27
“ commanders, duties of			28
“ musters of	218		57
“ companies, musters of	212		29
“ staff and other officers duties of			30
“ delinquencies of non-commissioned officers			
“ and others—penalties			31
“ commissioned officers			32
“ regimental field and staff officers	213		23
“ delinquents return of	214		39-40
“ courts martial, how detailed, &c.	214		34
“ powers	218		62
“ responsibility of officers ordering	216		50
“ commandants of companies, duties of	213		35-38
“ other officers			36-37
“ enrollments	214		41
“ tavern keepers and others account of persons			
“ boarding with			42
“ false, &c.			43
“ exempt from civil arrest on parade day			44
“ discharge of fire arms, &c.	215		45
“ disturbing the peace of those under arms			46
“ fines and appeals			47
“ collection	216		48
“ duties constable in collecting			49
“ for additional musters	217		55
“ how appropriated	218		56
“ Life Guards, privileges of	217		51
“ how often may drill			52
“ fines for delinquencies			52
“ other uniform and volunteer companies may			
“ call drills			53
“ fines for delinquencies at called drills			55
“ how appropriated	218		56
“ precedence of companies	217		54
“ officers of militia, how elected	218		60
“ by whom commissioned			58
“ commissions, how received			61
“ resignations, how presented	219		63
“ vacancies, how filled			64
“ offences capital—accusations, how preferred			65
“ charge and specifications	220		66
“ music band, how officered—who may raise			67
“ for cavalry			68
“ for infantry			69

		Page.	Chap.	Sec.
N	Nauvoo Legion—music band, rules, subject to	220	35	70
	“ chief of—duties, &c.	221		72
	“ musicians of companies—duties of	220		71
	“ who subject to military duty—who exempt	221		75
	“ officers to give bonds and security	222		77
	Notaries Public—how appointed—term of office—jurisdiction	169	23	1
	“ bonds and security			2
	“ vacancies by removal or resignation, to deposit records with county clerk			3
	“ punishment for failure, to comply with this act	170		4
	“ deceased duties of executor or administrator			4
	“ fine and punishment for destroying papers and records of			4
	“ protestations of notes, &c. notice to be given			5
	“ must keep a record of notices			6
	“ county clerk to keep records safe—disposition of forfeiture			7
	“ faith and credit given to the acts of			8
	“ may take acknowledgment of deeds, transfers, &c.			9
	“ for each county, how elected	264	68	1
	“ vacancies, how filled			2
O	Orphan children, who shall make provisions for	137	4	3
	Officers may arrest without process	138	6	4
P	Profanity, what is, fine for	169	22	1
	Penitentiary—officers of, how elected,—term of office, bonds, &c.	272	76	1
	“ clerk appointed—regulations established			2
	“ warden—duties of	273		3-5
	“ inspectors			4
	Property of deceased, non residents—who shall take possession of	266	71	1
	“ responsibility of individuals	267		2
	“ to go into the P. E. Fund			3
	“ non compliance with this act—penalty for			4
	Provo canal and irrigation company incorporated	238	51	1
	“ powers of			2-3
	“ stock of, how taken, how transferred	239		4
	“ members may vote by proxy			4
	“ certificate of stock, issue of	240		4
	“ officers, how qualify—accounts of, &c.			5
	“ board of managers, who are			6
	“ board of, &c. vacancies in, how filled			7
	“ by laws, how adopted	141		8
	Provo manufacturing company, incorporated	241	52	1
	“ capital stock, amount of—amount of shares; shares transferable			2
	“ votes of stock holders	242		3
	“ annual meetings of			4
	“ directors and officers, how elected, term of office			4
	“ by-laws, how made—vacancies, how filled—order of business			4
	when and by whom books			

	Page.	Chap.	Sec.
Provo manufacturing company, opened for stock	243	52	5
" payment of stock, &c.			6
Provo Canyon Road Company is incorporated	281	88	1
" terms of incorporation—Utah			
county court, powers in	282		
" name and style, elect officers,			2
make by laws			
" bonds and liabilities of offi-			3
cers			
Poundkeepers, duties of	106	19	9-10
Representation of U. T., apportionment for 1852	179	29	1
" representatives, number of			2
" councilors			3
Replevin, writs of, when and how may be obtained	147	10	1
" service how made			2
" defendant may give bail and retain property			3
" if " does not take the property, plain-			
tiff may on giving bonds			3
" J. P. may issue			4
" amount exceeds \$100, referred to higher			
court			4
Recorders of counties to keep books, records &c.	271	75	1
" to take acknowledgements of deed, transfers &c.			2
" to affix certificate to " "			3
" transfers of land claims, when shall record			4
" resurvey of " " may be made	272		5
" fees			6
Religious meetings and lawful assemblies, disturbing of, penalty	168	21	1
Sheriff to attend sessions of district court	220	1	2
when elected, term of office	261	77	1
how qualify, may appoint deputy	262		2-3
shall execute orders, process &c.			4
Supervisors, who shall appoint	128	1	45
" duties of			46
Selectmen, how chosen	136	4	1
" shall be sworn and give bonds	137		2
" provide for the poor			3
" probate court to prescribe duties			3
" keep record			4
" who are eligible to the office			5
" duties of, towards minors	156	14	2
" shall appoint supervisors &c.	128	1	45-46
Surveyor Gen. for the territory, how appointed, term of office	264	68	1
" vacancies, how filled			2
" books and papers &c., transmitted to successor	176	26	8
" county, the office of created, how elected, term of			
office	174		1
" bonds of	175		2
" duties concerning joint enclosures			7
" fees of, how regulated	176		9
" governor may appoint			10
" of county to keep record of surveys and certificate	27		1
" to establish corners	177		2
Surveys, copies of sent to surveyor gen.	176	26	3
" certificates of title of possession			3
" transfer of, how made legal			5
" when re-survey may be had			4
" of lands for cultivation, when void			6
" certificate of, how valid	177	27	1
Sheep running at large, damages &c.	248	56	3-4
Swine			5
Service, contracts for, made in other states and territories			
binding	160	17	1
" how proved	161		2
" how binding on heirs			2

	Page.	Chap.	Sec.
Service, contracts for, of servants brought from U. S. and other countries	161	17	2
“ “ how forfeited			3
Schools, common, superintendent of, how appointed, term of office	237	94	4
“ county court duties of, trustees how appointed, term of office	238		1
“ duties of trustees			2
“ bonds of officers &c.			4
“ tax for, how assessed and collected			6
“ board of examination, how appointed, duties of &c.			3
“ chartered rights of cities not interfered with, trustees report &c.	289		5
“ all other laws pertaining thereto, repealed			7
Sun-flower seeds, premium for raising	274	77	8
			4
T			
Trespass and damage, what shall be so considered	154	13	1
“ “	155		2-3
“ “			4-5
“ sustained for goods injured while in store			6
“ fruit and shade trees, injury of			8
“ infringing on rights of water			7
Teams, meeting and passing of	168	20	1-2-3
Trees, shrubbery and water courses, city council to control	251	59	3
Tax for road and other purposes, powers to incorporated cities	250	59	1
“ exemption from other	251		2
“ not to effect any tax assessed or authorized			4
“ territorial and county, assessor and collector, how appointed, oath and bond	252	61	1
“ property exempt from			2
“ rate per cent			3
“ property to whom assessed			4
“ goods brought in for sale, how assessed			5
“ time of assessment	254		6
“ county clerk to furnish book for assessor, form of book			7
“ assessor, duties of	255		8-11
“ compensation of determined			9
“ errors in assessment corrected			9
“ county clerk to furnish assessor list			10
“ territorial treasurer and auditor			
“ pub. ac'ts amount of tax			10
“ auditor and county clerk to keep account with collector	256		12
“ collector authorized to sell property			13
“ how paid			14
“ county courts to examine tax list and adjudge delinquencies			15
“ collector to pay			15
“ assessor and collector may appoint deputy			16
“ administer oath	257		17
“ false statement of property, penalty			18
“ property undervalued, the assessor authorized to buy			18
“ assessor to collect of those removing			19
“ extra revenue to be voted for by the people			20
“ probate judge to call special session of county court to examine assessment roll			21
“ delinquents of San Pete co. for the years of 1852-3-4 appropriated for road purposes	286	92	1
Treasurer, territorial, how elected, term of office	264	68	1
“ “	179	20	1
“ vacancies how filled	264	68	2
“ how qualify	179	30	2
“ duties of	180		3
“ shall report to governor			4
“ county, the office of created	181	31	1
“ how elected, term of office, how qualify			2

		Page.	Chap.	Sec.
	Treasurer, county, duty of	181	31	3
	“ county courts may appoint			4
	Transfer of land claims &c., form of	268	73	1
	“ how valid			2
	“ property by gift valid			3-4
V	Vicious children, selectmen to bind out	143	4	3
W	Weber kanyon road company incorporated	281	87	1
	“ to elect officers			2
	“ Weber county court to accept of the road			3
	“ to report to Weber county court			4
	“ bonds and liabilities of			5

ADDENDA.

CHAPTER XXXIII

Was overlooked and remained in the printing office until too late to come in its place, page 206.

AN ACT—Regulating the mode of procedure in criminal cases.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That when a justice or judge knows, or has information under oath, that a person has threatened to commit any offence, he shall issue an order requiring an officer to bring such person before him, when he shall examine the matter, and may require bonds for good behavior for not less than three months, nor longer than his stay in this Territory, or retain him a discretionary length of time.

Duty of judge or justice on commission of offence.

SEC. 2. Any person being present at the commission of an offence, shall forthwith take the offender before the nearest justice, or probate judge for examination.

Any person may arrest.

SEC. 3. When a complaint is made under oath, that an offence has been committed, the justice or judge shall issue an order, requiring an officer to take all requisite steps to bring the offender before him.

Order to arrest.

SEC. 4. When a person accused of committing an offence, is brought before a justice or judge, he shall determine whether such person shall be put upon trial, or released.

Accused to be tried or released.

SEC. 5. If it be determined that the accused be put upon trial, and the justice, or judge has jurisdiction of the case, he shall appoint a time therefor, and if not, he shall order an officer to take him and the necessary papers to a court having jurisdiction.

Judge to appoint time.

SEC. 6. The justice or judge shall issue an order to an officer to summon all the witnesses required, but neither party shall have more than three witnesses to prove the same fact.

Summons for witnesses.

Absent witnesses.

SEC. 7. At the time of trial, if the accused, or an important witness be absent, the court shall issue a compulsory order for his appearance, and may adjourn until it can be had.

Confession of guilt.

SEC. 8. When the accusation is read, if the accused confess he is guilty, the court may inquire into the amount of guilt, and decide accordingly; and if not, the evidence on the part of the accusation shall be heard, and then that of the accused, after which, if either party can satisfy the court that important evidence, which he can procure, is still wanting, his demand may be complied with; when all the evidence is heard, the accuser may make such applicable remarks as he deems proper, and also the accused, and the court shall render judgment as soon as practicable.

Order of business in case of trial.

Jury.

SEC. 9. In jury cases, before the introduction of any evidence, the court shall issue an order, requiring an officer to summon for that purpose a reasonable number of judicious men residents of the county, out of which, twelve, or a less number if agreed upon, shall be selected, and if the number first summoned is not sufficient, the officer shall continue to summon till the number is complete.

Objections to jurors.

SEC. 10. The persons summoned to serve as jurors may be objected to for cause, one by one, by either party alternately, and in like manner, either party may in capital cases reject six, and in other cases, one third of the number required; in objecting, the reason shall be stated, and the court shall determine its validity.

Oaths of jurors.

SEC. 11. The person selected shall be sworn to try the case faithfully, and give a just verdict, and have no communication concerning the case, until they are discharged, with any but a fellow juror, or with the court personally, or through the officer in whose charge they may be placed.

Charge to jury.

SEC. 12. The court shall instruct the jury on the law and equity in the case, and give them such other instructions as may be necessary.

Jury to retire.

SEC. 13. If the jury have to retire to agree upon their verdict, the court shall direct an officer to keep them separate from all others, and to prevent their communicating with any but the court, until they are discharged.

Verdict.

SEC. 14. The verdict of the jury shall be made by their unanimous agreement, and in writing, and be pre-

sented to the court, and read in the presence of the accused, and in capital cases shall read "guilty" or "not guilty," and in other cases, if against the accused, shall state the amount of damages, and the nature, and extent of punishment.

SEC. 15. After being furnished all necessary information, if the jury satisfy the court that they cannot agree, they shall be discharged, and the court shall cause another jury to be arranged and proceed again to try the case. In case of disagreement.

SEC. 16. The court shall award the costs, and authorize and require a proper officer to execute the judgment. Costs.

SEC. 17. When necessary, the court shall issue an order requiring an officer to summon fifteen judicious men residents of the county, for a grand jury, who shall be sworn to inquire faithfully into offences, and present indictments by the agreement of at least twelve of their number against offenders who should be prosecuted, and the foreman shall have power to swear witnesses, and compel their attendance. Grand jury.

SEC. 18. The indictments must be made in the name of the people, and must state the name of the offender, the offence, the manner of committing it, and, as near as may be, the time, and place of its occurrence, be signed by the foreman with the names of the required witnesses written thereon, and be presented to the court, who may correct mistakes that do not prejudice the trial. When the name of an offender is not known, he may be proceeded against with any name. Indictments.

SEC. 19. In answer to the accusation, the accused may state "guilty," or "not guilty;" may object to the jurisdiction of the court, or urge a former acquittal in the same case; and during the trial, either party may object, in writing, to any decision of the court which he considers unjust. When name of offender is not known.

SEC. 20. When the court has not jurisdiction, or the accused give other satisfactory evidence for removal, an officer shall be required to take the accused, the indictment, and all necessary papers, to the nearest court having jurisdiction. Plea of accused.

SEC. 21. In all cases bail may be required of witnesses, and in all but capital offences, may be taken of the accused for appearance at time and place of trial.

SEC. 22. When it is not reasonable that the witness Bail.

Depositions.

be present at the trial, his deposition may be taken in the presence of the parties, or without that presence if it be waived.

If a juror be incapacitated. SEC. 23. If a juror by any cause be incapacitated for attendance through the trial, it may proceed, and the verdict shall be valid.

Property of accused. SEC. 24. The property of a person accused of an offence, shall be held depending the execution of the judgment.

Appeals. SEC. 25. Immediately after judgment, appeals may be taken by either parties on written objections to illegal or unjust proceedings on the part of the court or jury, and the objections must be certified up by the court, upon which a superior court may confirm, reverse, or modify the judgment, or order a new trial.

Prosecutions when commenced. SEC. 26. Prosecution for offence must be commenced as soon after the offence has been committed, or the offender is known, as the circumstances will warrant.

Judgment to be executed with diligence. SEC. 27. The officer entrusted shall execute the order or judgment of the court, and is hereby authorized and empowered to break any and every description of fastenings that may obstruct his search for such persons or property, as he presumes to be concealed, and shall make return thereof with diligence.

Punishment for contempt. SEC. 28. The court shall have power to punish for contempt and disobedience to orders, by a reasonable preventive amount of fine; and all fines shall be paid into the county treasury.

Suit may be stopped. SEC. 29. In case no other person is injured thereby, a suit may be stopped at any stage of the proceedings, by agreement of the parties and payment of costs.

Approved Jan. 21, 1853.

